

Section 2. That said board, or such other board or State agency, is hereby given full power and discretion to fix all the conditions, provisions and details of such contract, concerning the printing, binding, publication and sale of such reports and to demand such security from the contractor as will secure the performance of such contract and the interest of the State of Texas; provided that such contract shall be for a term of six years' duration at a time. Said contract may also provide for the printing and binding of delayed manuscripts of said reports; and said Board of Printing, or such other board or State agency, may also provide, from time to time, by separate contracts under similar conditions, for the reprint of said reports, or volumes thereof; and said board, or such other board or State agency, may also, from time to time, provide by separate contracts, under similar conditions, for renewal contracts in the event of forfeiture or for other reasons; and to facilitate the prompt printing and binding of said reports in the future; the clerks of said courts shall provide the reporters of said courts with manifold copies of the opinions of said courts as the said courts rendering the same shall direct to be published, duly certified together with a record of the cases, as soon as said opinions become final.

Section 3. The maximum price of such reports furnished by the contractor to the legal profession and the public of the State shall not exceed two dollars per volume, and the maximum price by the State for such volume shall not exceed four dollars per volume, and the number of volumes to be delivered to the State shall not exceed two hundred and fifty of each volume of said reports for the use of the State; and said contract shall also provide that the contractor shall keep on hand a sufficient number of volumes of said reports, or make such arrangements as to enable the legal profession and the public in this State to obtain from such contractor such reports at the price fixed in such contract. Said board, or such other board or State agency, shall also determine whether electrotype or stereotype plates of said reports are to be made, and to regulate the use thereof, but the ownership of such plates, together

with the copyright of said reports, shall remain in the State of Texas.

Section 4. That Section 4 of said Act be so amended as hereafter to read as follows:

Section 4. That Article 1651 Chapter 13, of the Revised Civil Statutes of the State of Texas, A. D. 1911 and all other laws or parts of laws in conflict with this Act be, and the same are, hereby repealed.

Section 5. That Article 1572 of Chapter 12, of the Revised Civil Statutes of the State of Texas, A. D. 1911, shall be, and is hereby, so amended as that hereafter it shall read as follows:

Section 5. Article 1572 (919); Appointment and Removal of Reporters: The Judges of the Supreme Court, after their election to each term of office, shall appoint some person or persons learned in the law, being a licensed attorney, to report the decisions of the Supreme Court, who shall be removable at the pleasure of the court, and who shall be paid for the services required three thousand dollars per annum, payable monthly on the certificate of the Chief Justice.

Section 6. The fact that the present law now provides for the publication of the decisions of the Courts of Civil Appeals by the Board of Public Printing, which is no longer feasible and that a new contract for the publication of the decisions of the Supreme Court and of the Court of Criminal Appeals must soon be made, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and such rule is therefore hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORTIETH DAY.

Senate Chamber,
Austin, Texas, March 10, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Sulter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Caldwell.

Absent—Excused.

Johnston.

Strickland.

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dean.

Excused.

Senator Johnston for today on account of important business on motion of Senator Bailey.

Senator Strickland for today on motion of Senator Dorough.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Committee Assignment.

Senator E. L. Rector is hereby assigned to the following committees in the Senate for the sessions of the Thirty-sixth Legislature:

Chairman of the Committee on State Institutions and Departments.

Vice-Chairman of the Committee on Public Debts, Claims and Accounts.

Member of the Committee on Agricultural Affairs.

Member of the Committee on Judicial Districts.

Member of the Committee of Mining, Irrigation and Drainage.

Member of the Committee on Public Land and Land Office.

Member of the Committee on Senatorial Districts, succeeding his predecessor, Senator Scott Woodward, as member of these committees.

W. A. JOHNSON,
Lieutenant Governor of Texas.

Bills and Resolutions.

By Senator Woods:

S. B. No. 393, A bill to be entitled "An Act to amend Article 1484 of the Revised Civil Statutes of Texas of 1911, so as to provide for proper presentation, authentication and proof of claims against counties and political subdivisions thereof; providing for the auditing of accounts for certificates of approval by the county auditor; and providing that the county auditor, county judge, county clerk, county commissioners, county commissioners' court, road board or commission, or any public officer or body required by law to pass upon any approve claims shall not allow, approve or order paid, and shall not draw, sign, countersign or deliver any warrant, in payment of any claim which has not been presented, authenticated and proved as required by said Article and auditing and bearing the certificate of approval as required; and providing that any person who shall present an account for an amount more than is due or who shall receive and cash and appropriate to his own use the proceeds of any warrant for an amount not due, or for an amount greater than is due on such an account, shall be deemed guilty of a misdemeanor; and providing that any violation of this article or any failure to perform any duty required shall constitute a misdemeanor and providing penalties therefor, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator Dudley:

S. B. No. 394, A bill to be entitled "An Act incorporating and creating the Marathon Independent School

District of Brewster county, Texas, for free school purposes only, defining its boundaries and providing for the election of a Board of Trustees for the raising of revenue by taxation; issuing bonds for raising money for building purposes; and for maintaining public free schools therein. vesting the property of the Marathon school district in said Marathon Independent School District; and vesting said district and the board of trustees with all the right, powers, privileges and duties conferred and imposed by general laws upon independent school districts and upon the board of trustees thereof, and which apply to a city or town incorporated for free school purposes only, under the general laws; and declaring an emergency."

Read first time and referred to the Committee on Educational Affairs.

Senate Bill No. 258—Vote Rescinded.

By unanimous consent, Senator Bailey moved to rescind the vote by which Senate Bill No. 258 was passed.

The motion prevailed by unanimous consent, and the Chair laid before the Senate on third reading:

S. B. No. 258, Relating to sales of public free school lands.

Senator Bailey offered the following amendment which was read and adopted by unanimous vote:

Amend S. B. No. 258, amend the caption of the bill by inserting in line 1 thereafter the words "Public Free Schools" the word "Land."

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed finally.

Senate Bill No. 339—Vote Rescinded.

By unanimous consent, Senator Dean moved to rescind the vote by which Senate Bill No. 339 was passed finally.

The motion prevailed by unanimous vote.

Senator Dean moved to rescind the vote by which amendment No. 2 as follows, was adopted:

Amend S. B. No. 339 by striking out the words "its passage" in last line of the bill and by inserting in

lieu thereof the following, "June 1st, 1919."

The motion prevailed.

The chair laid before the Senate on third reading:

S. B. No. 339, A bill to be entitled "An Act changing and fixing the times of holding the courts in the Twelfth Judicial District of Texas, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Dean was passed finally.

Senate Simple Resolution No. 86.

Whereas, Official announcement has been made that the embargo placed upon cotton exports by the War Trade Board at Washington has been referred to the Peace Council, in session at Paris, for final adjudication; and

Whereas, It is further announced that Mr. Bernard Baruch, acting as an American representative in said council, has proposed a plan for an economic settlement, which includes provisions for rationing cotton among the several Nations; and

Whereas, In the capacity of head of the War Trade Board and Bernard Baruch planned and conducted the price-fixing movement, which, though without support in law, inaugurated the decline in the price of cotton which has already cost the producers more than four hundred million dollars; and

Whereas, Said Bernard Baruch, as head of the War Trade Board, has oppressively employed the great powers of the Government to unfairly depreciate the price of cotton, and to injure one of the greatest industries of the country, with no corresponding benefit to anyone except the cotton spinners and speculators of England and America; therefore, be it

Resolved by the Senate of Texas, (1) that the Senators from Texas are hereby requested to urge the President to withdraw from the Peace Council at Paris the subject of America's cotton exports as one wholly beyond its jurisdiction, (2) that we affirm it to be an inalienable right of the producers of cotton, corn or wheat to sell their products in the markets of the world unfettered by any incumbrance designed to give one

purchaser an advantage in favor of another, (3) that we specially protest against any plan or scheme the effect of which would be to enable the spinners, either of Europe or of America, to fix their own price upon raw cotton.

DAYTON.

The resolution was read and adopted.

Senate Joint Resolution No. 12.

The Chair laid before the Senate on third reading:

S. J. R. No. 12, a resolution proposing an amendment to Section 4 of Article XI of the Constitution of the State of Texas, by increasing the total tax rate that may be levied by cities and towns having a population of five thousand or less from one-fourth of one per cent to not exceeding one and one-half per cent, and making an appropriation therefor.

The resolution was laid before the Senate, read third time and, on motion of Senator Dean, was passed by the following vote:

Yeas—22.

Alderdice.	Gibson.
Bailey.	Hall.
Buchanan of Bell.	Hertzberg.
Clark.	Hopkins.
Cousins.	Parr.
Dayton.	Rector.
Dean.	Smith.
Dorough.	Suiter.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Westbrook.
Carlock.	

Absent—Excused.

Johnston.	Strickland.
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Senate Joint Resolution No. 17.

The Chair laid before the Senate on third reading:

S. J. R. No. 17, proposing an amendment to Section 3 of Article 7 of the Constitution of the State of Texas, by exempting independent

school districts created by special act of the Legislature from the limitation of the total tax of fifty cents on the one hundred dollars valuation for any one year, and making an appropriation therefor.

Senator Dean offered the following amendment, which was read and adopted by unanimous vote:

Amend the caption to S. J. R. No. 17 by striking out the words "created by special act of the Legislature."

The resolution was laid before the Senate, read third time and, Senator Dean moved its final passage. The motion was lost by the following vote:

Yeas—15.

Alderdice.	Hertzberg.
Clark.	Hopkins.
Cousins.	Parr.
Dayton.	Suiter.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Gibson.	

Nays—6.

Bailey.	Faust.
Buchanan of Bell.	Hall.
Dean.	Rector.

Absent.

Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Smith.
Carlock.	Westbrook.

Absent—Excused.

Johnston.	Strickland.
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Senator Dean moved to reconsider the vote by which the resolution failed of passage and spread that motion on the Journal.

The motion prevailed.

Senate Bill No. 243.

The Chair laid before the Senate on third reading:

S. B. No. 243, A bill to be entitled "An Act to repeal Chapter Six (6), Title Sixty-five (65) of the Revised Civil Statutes of Texas of 1911, the said chapter and title providing for the election of a Commissioner of Agriculture, prescribing his qualifications, duties and location and term

of his office; providing that all duties, functions and services required by said chapter and title to be performed and rendered by the Commissioner of Agriculture shall from and after the taking effect of this Act be rendered and performed so far as may be practical and necessary by the Agricultural and Mechanical College of Texas, and that this Act take effect and be in force from and after January 1, 1921."

Senator Dayton offered the following amendment (being S. B. No. 223 in in full).

Senator Hopkins made the point of order that the amendment changes the purpose of the bill and is not germane.

The point of order was sustained.

The bill was laid before the Senate, read third time and failed to pass by the following vote:

Yeas—10.

Alderdice.	Dudley.
Bailey.	Hall.
Buchanan of Bell.	Hopkins.
Clark.	McNealus.
Cousins.	Page.

Nays—13.

Bell.	Hertzberg.
Buchanan of Scurry.	Parr.
Carlock.	Suiter.
Dayton.	Williford.
Dorough.	Witt.
Faust.	Woods.
Floyd.	

Present—Not Voting.

Rector.

Absent.

Caldwell.

Pairs Recorded.

Senator Smith (present), who would vote aye; Senator Strickland (absent), who would vote nay.

Senator Gibson (present), who would vote nay; Senator Westbrook (absent), who would vote aye.

Senator Dean (present), who would vote nay; Senator Johnston (absent), who would vote aye.

Senator Floyd moved to reconsider the vote by which the bill failed to pass and table the motion to reconsider.

The motion to table prevailed.

Simple Resolution No. 87.

Whereas, Hon. John L. Ratliff, a former distinguished member of this body, is now in the city; be it

Resolved, That he be extended the privileges of the floor and be invited to address the Senate.

FLOYD.

The resolution was read and adopted, and ex-Senator Ratliff, being presented to the Senate, made a brief address.

House Bill No. 508.

The Chair laid before the Senate on second reading:

H. B. No. 508, A bill to be entitled "An Act creating the Rosedale Independent School District in Jefferson County, Texas, defining its boundaries,"

The bill was read second time, and passed to third reading.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 508 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Present—Not Voting.

Rector.

Absent.

Caldwell.

Absent—Excused.

Johnston.

Strickland.

The bill was laid before the Senate, read third time and, on motion of Senator Cousins, was passed by the following vote:

Yeas—28.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Caldwell.

Absent—Excused.

Johnston.

Strickland.

Senate Bill No. 338.

The Chair laid before the Senate on second reading:

S. B. No. 338, A bill to be entitled "An Act to create the Goodnight Independent School District in Armstrong County Texas, out of the territory now known as Goodnight School District No. 5 in said county, defining its boundaries etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bell, the constitutional rule requiring bills to be read on several days was suspended and S. B. No. 338 put on its third reading and final passage by the following vote.

Yeas—28.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Caldwell.

Absent—Excused.

Johnston.

Strickland.

The bill was laid before the Senate read third time and, on motion of Senator Bell, was passed by the following vote:

Yeas—28.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Caldwell.

Absent—Excused.

Johnston.

Strickland.

House Bill No. 387.

The Chair laid before the Senate on third reading.

H. B. No. 387 A bill to be entitled "An Act to create a more efficient road system for Grayson County, in the State of Texas."

The bill was laid before the Senate, read third time and, on motion of Senator Dayton was passed finally.

Simple Resolution No. 88.

Resolved That the members of the House of Representatives be invited to attend the memorial service to be held in the Senate Chamber, Wednesday, March 12 at 4 p. m. in honor of Hon. A. R. McCollum deceased, a former member of the Senate and the Speaker be requested to appoint

a committee to officially represent said body at said service.

WITT,
BAILEY,
JOHNSTON.

The resolution was read and adopted.

Senate Bill No. 54.

The Chair laid before the Senate on second reading:

S. B. No. 54, A bill to be entitled "An Act establishing a State athletic commisison and regulating the art of boxing and sparring exhibitions or performances in the State of Texas."

Senator Witt offered the following, which was read and adopted:

Amend S. B. 54 by adding Section 25A as follows:

Provided nothing herein shall authorize prize fighting or pugilistic or boxing contests between professionals, or indecent or brutal contests of any kind.

Senator Dean offered the following amendment, which was read and adopted:

Amend S. B. 54 by adding to Section 20 at the end thereof and as a part thereof the following:

"Nothing herein shall legalize or be construed to permit doing of anything prohibited or denounced in or by Arts. 1507 to 1511 inclusive of the Penal Code of 1911 of the State of Texas.

The bill was read second time and failed to pass to engrossment by the following vote:

Yeas—11.

Bailey.	Hertzberg.
Carlock.	McNealus.
Clark.	Page.
Dudley.	Parr.
Faust.	Witt.
Hall.	

Nays—12.

Alderdice.	Gibson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Smith.
Dean.	Sulter.
Dorough.	Westbrook.
Floyd.	Williford.

Present—Not Voting.

Rector.

Absent.

Bell.
Caldwell.
Cousins.

Dayton.
Woods.

Absent—Excused.

Johnston.

Strickland.

Senator Westbrook moved to reconsider the vote by which the bill failed of engrossment and spread that motion on the Journal.

The motion to reconsider prevailed.

Senate Joint Resolution No. 23.

The Chair laid before the Senate on third reading:

S. J. R. No. 23, Being a resolution to be entitled, "A Joint Resolution proposing and submitting to the people of the State of Texas an amendment to Article 16 of the Constitution of the State of Texas by adding thereto a new section and authorizing the City of Galveston and County of Galveston to issue bonds for protective works, irrespective of Constitutional limitations."

The bill was laid before the Senate, read third time and, on motion of Senator Hall, was passed by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Carlock.	Parr.
Clark.	Smith.
Dean.	Sulter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.
Hall.	

Present—Not Voting.

Rector.

Absent.

Bell.
Caldwell.
Cousins.

Dayton.
Gibson.

Absent—Excused.

Johnston.

Strickland.

Senate Joint Resolution 22.

The Chair laid before the Senate on third reading:

S. J. R. No. 22, A joint resolution proposing to amend Section 3, Article 7, of the Constitution of the State of Texas, so as to authorize the levy and collection of a county school tax of not to exceed fifty cents on the hundred dollars valuation for public free school purposes.

The bill was laid before the Senate, read third time and, on motion of Senator Alderdice, was passed by the following vote:

Yes—21.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Carlock.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Gibson.	

Present—Not Voting.

Bailey.	Rector.
Buchanan of Bell.	

Absent.

Caldwell.	Smith.
Cousins.	Woods.
Floyd.	

Absent—Excused.

Johnston.	Strickland.
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Senate Bill No. 283.

The Chair laid before the Senate on third reading:

S. B. No. 283, A bill to be entitled "An Act to authorize the Board of Regents of the University of Texas to issue and sell bonds in the name of the University of Texas, and to obligate the Board of Regents, for and on behalf of the university, to pay such bonds; to provide for the payment of interest on such bonds and to create a sinking fund to redeem them at maturity out of the annual rentals and interest and other income of the lands and bonds

constituting the permanent fund of the University of Texas, declared to be a trust fund for those purposes; to pledge such rentals and interest and other income to the payment of interest on said bonds and to the creation of said sinking fund, etc.; and declaring an emergency."

On motion of Senator Witt, the bill was laid on the table subject to call.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, March 3, 1919.

Lieutenant Governor W. A. Johnson,
President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. 166.

Has adopted H. C. R. 34, endorsing the proposed League of Nations,

Has adopted, with amendments, S. C. R. 15, providing for sine die adjournment, and

Has withdrawn its request for the return of H. B. 508.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 10, 1919.

Lieutenant-Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 209, A bill to be entitled "An Act giving the freeholders in hog law counties and subdivisions the right to hold elections therein, for the purpose of determining whether hogs shall have a free range in such counties or subdivisions from the 15th day of November of each year to the 15th day of February each year; prescribing the manner of calling the election, the form of the election order and the manner of giving notices, the manner and places of conducting the election, the qualifications of voters, the form of ballots, appointment of election managers, the method of making returns, the manner of counting the votes

and declaring the results, the judge's proclamation and the posting thereof, and its effect, and providing when subsequent elections may be held, and prescribing the manner and form of the proclamation thereon, and providing when and how elections under this act may be held at the same time elections are held under the provisions of Chapter 5, Title 124, of the Revised Civil Statutes of Texas, and declaring an emergency."

H. B. No. 173, A bill to be entitled "An Act to validate the sale of public free school and asylum land in cases where the purchaser settled on the same but failed to file his affidavit in the General Land Office within the time prescribed by law."

H. B. No. 211, A bill to be entitled "An Act to amend Article 1853 of the Revised Civil Statutes of the State of Texas, 1911, providing that where defendant is to be served with citation without the county in which the suit is pending, that a certified copy of plaintiff's petition shall accompany said citation and providing further that such citation shall not be required to state plaintiff's cause of action; and providing further, that should there be more than one defendant to be served without the county a certified copy shall be made out for each of them, and declaring an emergency."

H. B. No. 235, A bill to be entitled "An Act authorizing the State Board of Medical Examiners of this State, and making it their duty, to cancel the license of any licensed practitioner of medicine in this State, when the facts are made known of it, that such licensed practitioner of medicine has been convicted in either a State or Federal court of the crime of the grade of felony, or one which involved moral turpitude, or procuring or aiding or abetting the procuring of a criminal abortion; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 159, A bill to be entitled "An Act to amend Article 1861 of the Revised Civil Statutes of the State of Texas of 1911, by adding thereto a method of securing services of citation or other process on foreign corporations, joint stock companies or

associations which have no local agent or other officer within the State on whom service may now be had, and declaring an emergency."

H. B. No. 5, A bill to be entitled "An Act reorganizing the State Ranger force, prescribing the pay, qualifications and duties of State Rangers, and declaring an emergency."

H. B. No. 247, A bill to be entitled "An Act to define what shall constitute a unit of weight or measure for all commodities purchased or sold by length, weight or measure; providing penalties for any one who shall sell any article or commodity, representing same to be a greater or less number of pounds or quantity per unit with intent to defraud; providing that all articles of foodstuff, produce or commodity shall contain the net weight of such produce or commodity, and providing penalties for the violation of this act; and declaring an emergency."

H. B. No. 238, A bill to be entitled "An Act to amend Article 2773 of the Revised Civil Statutes of the State of Texas, providing that each treasurer having control of school funds of an independent school district shall keep an itemized account of the different classes of school fund coming into his hands, and shall on or before the first day of October of each year file with the State Superintendent of Public Instruction and with the board of trustees of such independent school district an itemized report showing the receipts and disbursements of the school funds for the preceding school year ending August 31, and providing that form for said report shall be provided and providing for the filing of voucher with the board of trustees."

H. B. No. 73, A bill to be entitled "An Act providing that any person who shall obtain any money or other thing of value with intent to defraud by the giving or drawing of any check, draft or order upon any bank, person, firm or corporation with which or with whom such person giving or drawing such check, draft or order has no funds or insufficient funds on deposit to his credit with such bank, person, firm or corporation with which such check, draft or order may be paid, shall be deemed guilty of swindling; providing a penalty for such offense; and providing further that if the giver or drawer of such check, draft

or order, within twenty days after receiving written or verbal notice from the owner or holder of such check, draft or order, that the same has not been paid by the drawee, shall pay the same, such party shall not be prosecuted under the provisions of this act, and if prosecution has begun the same shall be suspended and dismissed, and declaring an emergency," with engrossed rider.

H. B. No. 189, A bill to be entitled "An Act to authorize the guardian of estates to make mineral leases on real estate of their wards, and prescribing the manner in which the said mineral leases shall be made, and repealing Chapter 44 of the General Laws of the Regular Session of the Thirty-fourth Legislature, approved March 12, 1915, and declaring an emergency."

H. B. No. 249, A bill to be entitled "An Act to establish a standard of weights and measures in the State of Texas; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof and attesting to the accuracy of same; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, merchandise, packages and amounts of commodities kept for sale in the process of delivery; to prevent the sale of goods, wares, merchandise, agricultural or farm products, by false weights and measures; to provide penalties for the violation of this act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the certification of any such standard of weights and measures when necessary to be introduced in a court of competent jurisdiction; providing for the appointment of officers to enforce and carry into effect the provisions of this act; providing that the Commissioner of Markets and Warehouses shall be ex officio superintendent of weights and measures; providing for appointment of a chief deputy, with full power to act as superintendent of weights and measures in case of the absence and inability of the State superintendent to discharge the duties of his office; defining the powers and duties of all

officers appointed to carry out the provisions of this act, and making an appropriation necessary to enforce the provisions of this act."

With engrossed rider.

H. B. No. 288, A bill to be entitled "An Act to extend the time of payment of 1918 taxes to January 31, 1920, and to stay all penalties, interest and costs on same for said time, and to prohibit the filing of suits and taking of judgments on any taxes delinquent for any former years during said time, and to apply to the following counties, to-wit: Atascosa, Archer, Bandera, Baylor, Blanco, Borden, Brown, Burnet, Callahan, Coke, Coleman, Concho, Cottle, Coryell, Crosby, Childress, Crane, Comanche, Dawson, Dickens, Edwards, Erath, Ector, Fisher, Foard, Garza, Gillespie, Glascock, Hardeman, Haskell, Howard, Hamilton, Irion, Kinney, Kent, Knox, Kimble, Jones, Lampasas, Loving, Lynn, Llano, LaSalle, Mills, Mitchell, Medina, Midland, Martin, Menard, McCulloch, Nolan, Parker, Pecos, Runnels, Reagan, Reeves, San Saba, Schleicher, Scurry, Stephens, Stone-wall, Swisher, Shackelford, Taylor, Tom Green, Upton, Uvalde, Wilbarger, Ward, Young, Winkler and Zavala."

With engrossed rider.

H. B. 534, A bill to be entitled "An Act creating Pharr-San Juan Independent School District in Hidalgo County."

H. B. No. 600, A bill to be entitled "An Act to create a more efficient road system for Erath county, in this State, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners and providing for the condemning of material for the construction and maintenance of public roads and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads, and the purchase of supplies for such convicts, and rewards for the capture of escaped county convicts and for commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers; and to provide for the summoning of hands and teams for road work and the allowance for time for service for hands and teams

on public roads, and fixing a penalty for violation of same and relieving them from payment of such work by the payment of three dollars; and providing further for ordering an election to be held in said county by the qualified taxpaying voters to determine whether or not an additional annual advalorem tax for road and bridge purposes shall be levied and collected in said county; making this Act cumulative of the general laws now in force; and to repeal all laws in conflict with this Act, and declaring an emergency."

H. B. No. 606, A bill to be entitled "An Act creating the Pflugerville Independent School District in Travis and Williamson counties, Texas, consolidating into said independent school district the territory included in the present Pflugerville Independent School District, Common School District No. 56, Common School District No. 12, Williamson and Travis County Line School District No. 14, and Common School District No. 15; defining its boundaries, vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor; making provision for taxation for school purposes in said district, and declaring an emergency."

H. B. No. 310, A bill to be entitled "An Act to amend Article 997, Chapter 9, of the Revised Civil Statutes of the State of Texas of 1911, relating to the issuance of license to any person or firm to carry on or work at the business of plumbing, or to act as inspector of plumbing, and requiring them to obtain license by an examination as to their qualifications from a board of examining and supervising plumbers; regulating the issuing of license; repealing Article 998 of the Revised Civil Statutes of the State of Texas of 1911, and declaring an emergency."

H. B. No. 13, A bill to be entitled "An Act to provide for the preparation and review of estimates for expenditures and revenue and to establish budgets for all State departments, bureaus, divisions, officers, boards, commissions, institutions, and other agencies and undertakings receiving or asking financial aid from the State of Texas."

H. B. No. 22, A bill to be entitled "An Act increasing the salaries of

district attorneys in all judicial districts in this State, composed of two counties or more to \$3,000 per annum; providing the manner of payment of salaries, and making a disposition of the fees, commissions and perquisites of the office of district attorney, and declaring an emergency."

With engrossed rider.

H. B. No. 39, A bill to be entitled "An Act to amend Article 3156, Chapter 10, Title 49, of the Revised Civil Statutes of Texas, 1911, so as to provide for appeal from the district court to the Court of Civil Appeals in cases of contest for nominations for district, county, precinct and municipal officers."

H. B. No. 112, A bill to be entitled "An Act to provide for the establishment and maintenance of a State Home for Dependent and Neglected White Children, to locate the same and provide for its control and management, making appropriation for such purposes, and declaring an emergency."

H. B. No. 248, A bill to be entitled "An Act to define what constitutes a public weigher, prescribing his duties and providing for rules and regulations governing the performance of his duties; providing for the appointment, by the Governor, of public weighers in certain places, and providing for the appointment and election of public weighers throughout the State; prescribing the bond to be given and the amount thereof; providing penalties for the violation of this Act, and prohibiting anyone from engaging in the business of public weighing, unless he shall comply with the terms of this Act; prohibiting the shipment of goods, wares and merchandise, agriculture and farm products, at false weights, and declaring an emergency."

H. B. No. 577, A bill to be entitled "An Act to validate sales of public free school land sold on September 25, 1895, and declaring an emergency."

H. B. No. 345, A bill to be entitled "An Act to amend Article 1869, Chapter 6, Title 37, of the Revised Civil Statutes of the State of Texas of 1911, providing that where defendant without the State shall be served with a notice that a certified copy of the plaintiff's petition shall accompany said notice and providing that such notice shall not be re-

quired to state plaintiff's cause of action, and declaring an emergency."

H. B. No. 407, A bill to be entitled "An Act to amend subdivisions 2 and 3 of Section 7 and Sections 8 and 20 of Chapter 83 of the Regular Session of the Thirty-fifth Legislature, approved March 16, 1917, providing the royalty and other sums and compensations to be paid to the State and owner of the surface of lands upon which permits may be granted by the State to explore for minerals or leased for productions of minerals and granting a lien upon all production produced upon the leased areas and the improvements situated thereon to secure the payment of any royalty and any sums due the State or the surface owner, arising under the operation of any portion of this Act; repealing all statutes in conflict with this Act, and declaring an emergency."

With engrossed rider.

H. B. No. 567, A bill to be entitled "An Act to amend Chapter 21, Acts of the First Called Session of the Thirty-fourth Legislature, granting to J. J. Kane, of the City of Galveston, Texas, his heirs and assigns, certain submerged flats or lands on the shore of Galveston Bay for the purpose of constructing a dry dock or marine railway thereon, so as to provide for an extension of the time in which the sum of not less than \$150,000 should be expended in the construction thereof, and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act regulating the sale of and defining agricultural seeds and mixed seeds; requiring their proper labeling; prohibiting mixture of seeds unless so labeled; providing for the collection of samples and their examination; defining noxious weeds and foreign matter; providing that certificates of analysis by the Commissioner of Agriculture shall be prima facie evidence in certain cases and regulating the measure of damages; designating an officer for the enforcement of the law; providing for the expense and enforcement of the law, and fixing penalties for its violation."

H. B. No. 471, A bill to be entitled "An Act to authorize the Board of Regents of the University of Texas to issue and sell bonds in the name of the University of Texas, and to obligate

the Board of Regents for and in behalf of the University of Texas to pay such bonds; to provide for the payment of interest on such bonds and to create a sinking fund to redeem them at maturity out of the annual rentals and interest and other income of the lands and bonds constituting the permanent fund of the University of Texas, declared to be a trust fund for those purposes; to pledge such rentals and interest and other income to the payment of interest on said bonds and to the creation of said sinking fund; to provide that said bonds shall not be subject to taxation in the hands of the holders thereof; to authorize the deposit of such bonds as securities by insurance and other companies; to provide for the investment of the sinking fund, when not used for redeeming bonds, in the manner required for the investment of the public free school funds of the State of Texas; to provide for the distribution to and for the use by the University of Texas and the Agricultural and Mechanical College of Texas of the proceeds of the sale of such bonds according to certain percentages, with the authority on the part of the Board of Directors of the Agricultural and Mechanical College of Texas to apportion to the Prairie View State Normal and Industrial College such part of the percentage accruing to the Agricultural and Mechanical College as in its judgment may be necessary; to provide that the proceeds of the sale of said bonds shall be used within the separate discretion of the Board of Regents of the University of Texas and of the Board of Directors of the Agricultural and Mechanical College of Texas for the construction or purchase of permanent buildings and for the acquisition of land for the enlargement of the present campuses of the University of Texas and of the Agricultural and Mechanical College of Texas; reserving the right and power to sell the University lands, or any part thereof, under existing laws or laws hereafter enacted, and to hold the interest derived from the investment of the proceeds of the sale of such lands, if said land or any part thereof be sold during the life of the issue of any bonds hereunder, pledged to the payment of the interest on the bonds to be issued hereunder and to

the creation of a sinking fund for the redemption of such bonds; to provide that the form of the bonds shall be prescribed by the Board of Regents of the University of Texas, subject to the approval of the Attorney General of the State, and that such bonds shall be registered with the Comptroller of Public Accounts of the State of Texas, and declaring an emergency."

With engrossed rider.

H. B. No. 458. A bill to be entitled "An Act to create the Eighty-eighth Judicial District; fixing its jurisdiction and time of holding courts therein; providing for the appointment by the Governor of a judge for the Forty-second District; providing that the district clerk and county attorney of Eastland county each shall be officers of said Eighty-eighth District Court, and fixing their compensation for services rendered therein; providing further for the transfer of cases from and to the Forty-second Judicial District Court and the Eighty-eighth Judicial District Court from one court to the other; requiring notices of such transfer of cases in certain instances to be given; reorganizing the Forty-second Judicial District, and providing for the time for holding court in the counties of Taylor, Callahan, Shackelford and Stephens, and declaring an emergency."

H. B. No. 457. A bill to be entitled "An Act to preserve, propagate and protect the wild game, wild birds, wild fowl of this State, to provide adequate penalties for the unlawful taking, slaughter, sale, purchase, or shipment thereof; to provide for the appointment of deputy game commissioners, and fixing their salaries; to define the duties and powers of the Game, Fish and Oyster Commissioner and his deputies; to fix the venue of prosecution under this act; to provide for the issuance of hunting licenses and prescribing penalties for hunting without a license; to declare that certain moneys shall belong to the special game fund of this State, and the disposition to be made of said moneys, and to repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 251, A bill to be entitled "An Act to require public water supply companies and others furnishing drinking water for the public to use

reasonable diligence to prevent health contamination."

With engrossed rider.

H. B. No. 449, A bill to be entitled "An Act to amend Articles 3871, 3872 and 3889 of the Revised Civil Statutes, 1911, providing compensation to be paid the assessor of taxes for assessing the taxes for State, county, drainage districts, road districts or other political subdivisions of the county, and providing compensation for the collector of taxes for collecting the taxes for the State, county, drainage districts, road districts or other political subdivisions of the county; fixing the maximum of the excess fees that may be retained by the county judge, sheriff, clerk of the county court, county attorney, clerk of the district court, collectors of axes, assessor of taxes justice of the peace and constable in counties having a population of less than twenty-five thousand; repealing Article 3898, Revised Statutes, 1911, and declaring an emergency."

With engrossed rider.

H. B. No. 503, A bill to be entitled "An Act authorizing cities of over fifty thousand inhabitants to amend their charters by a majority vote of the qualified voters of said city so as to extend their corporate limits to include adjoining and contiguous territory, where the annexed territory does not include any city or town of more than five thousand inhabitants, the abolishing of the offices thereof; providing for the assumption of the outstanding liabilities against the territory annexed; providing how any special funds on hand of such annexed city or town shall be applied; providing for the collection of all claims, debts and taxes due to said annexed territory, repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 579, A bill to be entitled "An Act amending Sections 12, 13, and 16, of Chapter 10, of the Acts of the Thirty-first Legislature, passed at its Fourth Called Session, providing that the Prison Commission shall purchase machinery, tools and supplies necessary to meet the needs of the penitentiary, and may establish such factories as in their judgment may be practicable; and providing that the Prison Commission shall not have power to purchase or sell any real estate, except as they are directed to do so by the Legislature; provided,

that the Prison Commission, with the approval of the Governor, may purchase real estate contracted for prior to the passage of this act; providing how land purchased for the penitentiary is to be paid for and authorizing the Prison Commission to lease real estate and describing certain duties of the Attorney General in connection with the purchase and sale of land."

H. B. No. 597, A bill to be entitled "An Act to amend Sections 6, 7, 8 and 13, of Chapter 12, Acts of the Thirty-fourth Legislature, passed at its Regular Session, being 'An Act to create a special and more efficient road system for Collin County, in the State of Texas, and making County Commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for their compensation as such road commissioners; and providing for the condemnation of lands and other property by said county for the purpose of laying out and establishing roads and for straightening, widening or draining any established road, and for the condemnation of any timber, earth or other material for the construction and maintenance of public roads, and to provide for compensation for the materials used; and providing for the working of county convicts on the public road and county farm and the purchase of supplies for such convicts and for the commutation of sentences for faithful services and good behavior, and providing the powers, duties and liabilities of road overseers and to provide for the summoning of road hands and teams for road work, for the allowance of time for services of hands and teams on public roads, and fixing the penalty for violation of same, and relieving them from the performance of such work by the payment of three (\$3) dollars, and providing that delinquent poll tax payers shall be liable for extra road duty of three days, and providing for the manner of summoning and working of all persons liable for road duty on the public roads who have not paid such road tax or such poll tax, and permitting substitution and payment of money in lieu of such service, and to provide for the manner of training and maintaining hedges along the public roads and the punishment for the failure to comply therewith, and for the allowance of extra time for

road overseers, and to provide punishment for all who obstruct any drainway of any public road; and providing further, making this Act cumulative of the General Laws now in force, and to repeal Chapter 102 of the Acts of the Thirty-third Legislature, being a special road law for Collin County'; providing for the appointment and payment by the Commissioners' Court of road overseers over one or more districts; providing that Collin County be redistricted so that road districts and school districts will be the same; providing how persons may be exempted from road work is to be spent; repealing all laws and parts of laws in conflict, and declaring an emergency."

H. B. No. 255, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4 and 5 of Chapter 35, Acts of the Twenty-ninth Legislature, which is 'An Act to regulate the sale of cocaine and other drugs; to regulate the issuance of prescriptions for such drugs; to require persons selling such drugs upon prescriptions to file same; to prohibit fraudulent representation, and to provide that nothing in this Act shall prevent the sale of certain proprietary preparations containing not more than two grains of opium, one-eighth grain of morphine, two grains of chloral hydrate and one-sixteenth grain of cocaine, in one fluid ounce, and to provide penalties for the violation thereof, and repealing all laws in conflict herewith, and providing for an emergency,"

With engrossed rider.

H. B. No. 417, A bill to be entitled "An Act to prevent theft of motor vehicles, and providing that it shall be unlawful for any person or persons to have in possession or sell or offer to sell, or to use upon public highways, any motor vehicle from which the engine number has been removed or obliterated, and that such person or persons shall make applications to the Highway Commission for an engine number which shall be stamped on the engine of such motor vehicle; providing that a register of such engine numbers assigned shall be preserved in the Highway Department; providing that Tax Collectors shall knowingly not register any motor vehicle without an engine number, and providing a penalty for non-compliance; providing that it shall be unlawful to transfer any second-

hand motor vehicle without the purchaser securing from the seller a bill of sale, which shall be the official application for transfer of license; providing certain duties for persons owning and operating garages or motor vehicle repair shops; providing certain duties for persons engaged in the business of buying second-hand motor vehicles or parts thereof; providing the manner in which any owner of a motor vehicle which has been so injured as to require the use of a new cylinder block may replace such block; and providing penalties for all persons who fail to comply with the provisions of this Act."

With engrossed rider.

H. B. No. 619. A bill to be entitled "An Act to make certain emergency appropriations out of the general revenues of this State, not otherwise appropriated, for the several institutions and departments of the State government, for the balance of the fiscal year ending August 31, 1919, and declaring an emergency."

With engrossed rider.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their captions had been read, the following House bills:

H. B. No. 503, referred to the Committee on Town and City Corporations.

H. B. No. 534, referred to the Committee on Educational Affairs.

H. B. No. 606, referred to the Committee on Educational Affairs.

H. B. No. 600, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 567, referred to the Committee on Public Lands and Land Office.

H. B. No. 577, referred to the Committee on Public Lands and Land Office.

H. B. No. 458, referred to the Committee on Judicial Districts.

H. B. No. 597, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 579, referred to the Committee on State Penitentiaries.

H. B. No. 345, referred to the Committee on Civil Jurisprudence.

H. B. No. 619, referred to the Committee on Finance.

H. B. No. 5, referred to the Committee on Military Affairs.

H. B. No. 13, referred to the Committee on Finance.

H. B. No. 22, referred to the Committee on Judicial Districts.

H. B. No. 39, referred to the Committee on Civil Jurisprudence.

H. B. No. 73, referred to the Committee on Criminal Jurisprudence.

H. B. No. 112, referred to the Committee on Finance.

H. B. No. 144, referred to the Committee on Agricultural Affairs.

H. B. No. 173, referred to the Committee on Public Lands and Land Office.

H. B. No. 159, referred to the Committee on Civil Jurisprudence.

H. B. No. 189, referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 247, referred to the Committee on Criminal Jurisprudence.

H. B. No. 211, referred to the Committee on Civil Jurisprudence.

H. B. No. 235, referred to the Committee on Public Health.

H. B. No. 209, referred to the Committee on Stock and Stock Raising.

H. B. No. 249, referred to the Committee on Civil Jurisprudence.

H. B. No. 248, referred to the Committee on Agricultural Affairs.

H. B. No. 251, referred to the Committee on Public Health.

H. B. No. 255, referred to the Committee on Public Health.

H. B. No. 288, referred to the Committee on Agricultural Affairs.

H. B. No. 310, referred to the Committee on Civil Jurisprudence.

H. B. No. 407, referred to the Committee on Public Lands and Land Office.

H. B. No. 417, referred to the Committee on Criminal Jurisprudence.

H. B. No. 449, referred to the Committee on Civil Jurisprudence.

H. B. No. 457, referred to the Committee on Criminal Jurisprudence.

H. B. No. 471, referred to the Committee on Educational Affairs.

H. B. No. 238, referred to the Committee on Federal Relations.

H. C. R. No. 34, referred to the Committee on Federal Relations.

Recess.

At 12:25 o'clock p. m., the Senate on motion of Senator Clark, recessed until 2:30 o'clock today.

After Recess.**(Afternoon Session)**

The Senate was called to order by Lieutenant Governor Johnson.

Senate Bill No. 265.

The Chair laid before the Senate on second reading:

Senate Bill No. 265, A bill to be entitled "An Act to provide that the commissioners' courts shall provide suitable places in the courthouse for the holding of court by justices of the peace in the precinct where the courthouse is situated, where there are more than seventy-five thousand inhabitants in such justice precinct, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 265 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Parr.
Caldwell.	Rector.
Carlock.	Smith.
Cousins.	Snider.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Clark.	Gibson.
Floyd.	Page.

Absent—Excused.

Johnston.	Strickland.
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The bill was laid before the Senate, read third time and, on motion of Senator Hertzberg, was passed finally.

Message from the Governor.

Governor's Office,
Austin, Texas, March 10, 1919.
To the Thirty-sixth Legislature of Texas:

May I urge you to submit before adjournment of the Regular Session the proposed Constitutional Amendment which will confer upon the Legislature the power to apply a portion of the earnings of the Penitentiary System for the use and benefit of families and dependents of convicts. This amendment is before you with favorable committee reports.

Given a prosperous year of 1919, the Penitentiary system at the end of this year will be able to pay all debts and hold in reserve a fund sufficient to provide for the emergencies of a "rainy day." Over and above such amount it merely invokes the practice of humane treatment and a proper regard for the welfare of unfortunates to enable innocent sufferers from criminal acts to participate in profits that result from penal servitude. It will at the same time stimulate workers in the prison system to perform better service and encourage them to maintain a standard of better conduct. My observation of the frequent want and penury of dependents upon those convicted of crime prompts me to believe that if a plan can be adopted which will enable these dependents to share in what is earned by hands that might otherwise support them, it will be the means of bringing needed relief and a just distribution of a fund that is derived from hard labor.

Since, of course, there will be no opportunity for action upon this measure for two years, unless submitted before your adjournment, I take the liberty of requesting you, in view of its importance, to adopt that course which will make legislation upon this subject possible after the present year.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Senate Bill No. 62.—House Amendments Concurred.

Senator McNealus called up for consideration of House Amendments to:

S. B. No. 62, A bill to be entitled

"An Act to amend Article 1428, and to repeal Article 1429, Title 17, Chapter 18, of the Penal Code of Texas, relating to obtaining board and lodging under false pretenses or obtaining any property or thing of value or the making, uttering or delivery of any check, draft or order in payment of any obligation to defraud; to fix the punishment; to prescribe a rule of evidence or prosecution; to make the law cumulative, and to declare an emergency."

The following House amendments were laid before the Senate:

Amend Senate Bill No. 62 by striking out all of the caption and inserting the following:

A bill to be entitled, An Act to repeal Article 1429, of the Penal Code of Texas, and declaring an emergency.

Also Amend Senate Bill No. 62 by striking out everything after the enacting clause and inserting the following:

Section 1. That Article 1429, Title 17, Chapter 18, of the Penal Code of Texas (1911), requiring printed copies of the law to be posted be and the same is hereby repealed.

Sec. 2. The fact that the present law is believed to be unconstitutional under the decision of *Jannin v. State*, 51 S. W. Rep., 1126, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House, be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Amendments were read and concurred in by the Senate.

Senate Bill No. 315.

The Chair laid before the Senate as special order and on third reading:

S. B. No. 315, A bill to be entitled "An Act amending Section 2 and Section 19 of Chapter 60 of the Acts of the Thirty-fifth Legislature, passed at its regular session, providing that the Live Stock Sanitary Commission shall as far as possible destroy and eradicate fever-carrying ticks, contagious, infectious and communicable diseases of live stock, and shall establish special quarantine districts, where necessary, providing for notice of the establishment of such quaran-

tine districts, and to quarantine live stock therein or elsewhere, and to prescribe methods for dipping live stock and disinfecting the premises, providing that the sheriffs and constables shall assist such Live Stock Commission and its inspectors in enforcing the provisions of said section, providing compensation for such sheriffs and constables; providing that farmers and stock raisers having herds of less than one hundred cattle shall not be required to dip such cattle until they are first inspected and found to be infected with fever-carrying ticks, contagious, infectious or communicable diseases, and declaring an emergency."

Senator Woods offered the following amendments, which were read and adopted:

(1) Amend S. B. No. 315 by adding the following words, "or other owner of domestic live stock" after the words "small stock raiser" and before the word "who" where they occur in the latter part of Section 1, amending Section 2 of Chapter 60 of the Acts of the regular session of the Thirty-fifth Legislature, and in the latter part of Section 2 where it amends Section 19 of said Chapter 60, as printed, on page 706 of the Senate Journal.

(2) Amend the caption to S. B. No. 315 by adding the following words after the words "stock raisers" in the caption, "or other owners of domestic live stock."

On motion of Senator Buchanan of Bell, the bill was set as a special order for 2:30 o'clock p. m. tomorrow.

Senator Dorrough in the chair.

Simple Resolution No. 89.

(By unanimous consent.)

Whereas, Hon. R. A. Greer, once a member of this body, is now in the city; therefore, be it

Resolved That he be given the privilege of the floor and be invited to address the Senate.

COUSINS.
SMITH.

The resolution was read and adopted, and the Chair appointed a committee to escort Senator Greer to the President's stand, where he made a brief address.

Senate Bill No. 264.

The Chair laid before the Senate on second reading:

S. B. No. 264, A bill to be entitled "An Act providing a salary of six thousand (\$6000.00) dollars for the County Judge in counties having a population of more than one hundred thousand inhabitants and in which there is at least one city with a population of more than seventy-five thousand, out of the fees, commissions and perquisites earned by such office in the manner and as now provided by law, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Dean offered the following amendment, which was read:

Amend S. B. No. 264 by striking out the words and figures "six thousand dollars" where they occur in the caption and in the bill and insert in lieu thereof the words and figures "\$4000."

Pending.

On motion of Senator Hertzberg, the bill was laid on the table subject to call.

Senate Bill No. 269—Recalled from the House.

Senator Clark sent up the following motion:

We move that the Senate recall Senate Bill No. 269 from the House.

Signed: Dayton, Carlock, Dorough, McNealus Woods, Smith, Clark, Hall, Bailey, Hertzberg, Cousins, Williford, Parr, Witt, Dudley, Rector.

The motion was read and adopted.

Senate Bill No. 313.

The Chair laid before the Senate on second reading:

S. B. No. 313, A bill to be entitled "An Act making an appropriation for the establishment, construction, equipment and maintenance of a wool and mohair scouring plant at the Agricultural Experiment Station of the Agricultural and Mechanical College of Texas, for the scouring of representative samples of wool and mohair in order to determine their shrinkages, as protection to the Texas producers of wool and mohair in the

sale of their products, and declaring an emergency."

The bill was read second time, and passed to engrossment by the following vote:

Yeas—14.

Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Carlock.	Page.
Clark.	Parr.
Dudley.	Rector.
Faust.	Williford.

Nays—12.

Alderdice.	Floyd.
Buchanan of Bell.	McNealus.
Cousins.	Smith.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Woods.

Absent.

Caldwell.	Witt.
Gibson.	

Absent—Excused.

Johnston.	Strickland.
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On motion of Senator Dudley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 313 put on its third reading and final passage by the following vote:

Yeas—20.

Alderdice.	Faust.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Clark.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Rector.
Dorough.	Smith.
Dudley.	Williford.

Nays—5.

Buchanan of Bell.	Westbrook.
Floyd.	Woods.
Suiter.	

Absent.

Caldwell.	Gibson.
Carlock.	Witt.

Absent—Excused.

Johnston.	Strickland.
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The bill was laid before the Senate,

read third time and, on motion of Senator Dudley, was passed finally.

Lieutenant Governor Johnson in the chair.

Message From the Governor.

Governor's Office,
Austin, Texas, March 10, 1919.
To the Thirty-sixth Legislature of Texas.

Carrying out the provisions of House Concurrent Resolution No. 22 of the Thirty-fifth Legislature, approved April 4, 1917, relating to the sale of property known as the State's iron industry, I respectfully direct attention to my message of March 4, 1918, to the Thirty-fifth Legislature in Fourth Called Session, and printed in both Senate and House Journals. I beg to report further progress as follows:

On the 21st day of December, 1917, the Board of Prison Commissioners and L. P. Featherstone entered into a contract at Huntsville Texas, from which I quote the first and last sections, these only being necessary for the purpose of this communication:

"First. The said L. P. Featherstone, having bid the sum of one hundred and twelve thousand and five hundred dollars for all the property of the Rusk penitentiary, known as the State's iron industry, and fifty cents per ton for ore in ground on fifty per cent metallic content basis, to be paid for as used, and the same having been considered and adjudged by said Commissioners as the best bid, said bid is hereby accepted and it is agreed that upon the making of a bond in the sum of one hundred thousand dollars in accordance with the terms and conditions set forth in House Concurrent Resolution of the regular session of the Thirty-fifth Legislature and the approval of said bond by the proper authority and the payment hereinafter specified, that said Commissioners will make title to said property on a date not less than thirty days from the date of the sale of the same."

"Ninth. Said Featherstone is to make payments for said property as follows, to-wit: One-fourth in cash when conveyance is made, one-fourth one year from said date, one-fourth on or before eighteen months after said date, and one-fourth on or before two years from said date."

In connection with this agreement, I am in receipt of the following self-explanatory communication:

"Huntsville, Texas, March 6, 1919.
"Governor W. P. Hobby,
"Austin, Texas.

"Dear Sir: You will note that one of the provisions of the contract is that the said L. P. Featherstone agrees to execute a bond in the sum of \$100,000.00 in compliance with the terms and conditions of House Concurrent Resolution of the regular session of the Thirty-fifth Legislature. This bond was never executed nor was there any conveyance made of said properties described in said contract of agreement, made by Prison Commission.

"The Board of Prison Commissioners acknowledged receipt of the sum of \$5000.00 as earnest money to secure the performance of the agreement made by L. P. Featherstone, of which the following is a copy:

"State of Texas,)
"County of Walker.)

"The Board of Prison Commissioners hereby acknowledge receipt from L. P. Featherstone of Beaumont, Texas, of check for the sum of five thousand and no-hundredths (\$5000) dollars, drawn on the Security National Bank, Dallas, Texas, which amount is intended and is to be applied as earnest money paid by the said Featherstone to secure the faithful performance and compliance by him of the obligations and agreements on his part contained and set forth in a certain memorandum of agreement entered into by and between him and the Board of Prison Commissioners, dated December 21, 1917, being contract to cover the purchase and sale of the property at the Rusk penitentiary known as the State's iron industry.

"When the sale of said property is duly consummated according to the terms agreed upon, and conveyance is executed and delivered to the said Featherstone, it is agreed the said sum of \$5000.00 is to be applied as part of the first payment to be made for said property. It is further agreed and provided that if the said L. P. Featherstone fails and refuses to comply with his obligations and agreements with respect to the purchase of said property, then in that event the said sum of \$5000.00 shall be forfeited to and become the prop-

erty of the Board of Prison Commissioners.

"Executed in duplicate at Huntsville, Texas, this 18th day of January, 1918.

"BOARD OF PRISON COMMISSIONERS, by W. R. Dulaney, Commissioner;

"L. P. FEATHERSTONE, by L. P. Featherstone.

"Attest:

"OSCAR F. WOLFF,
(Seal) "Secretary."

"Mr. Featherstone has, since the execution of this contract, spent thousands of dollars in improving the properties at Rusk. Though we have repeatedly written, phoned and telegraphed to Mr. Featherstone, copies of which letters and telegrams are on file in this office, we have been unable to have him close the transaction. Yours truly,

"BOARD OF PRISON COMMISSIONERS, by Jack Jenkins, Secretary."

Since the sale of this property was authorized by specific act of the Thirty-fifth Legislature, and since earnest money has been made and improvements made on the property at the expense of the successful bidder, and yet the sale of the property has not been consummated, I submit to your body the present status to the end of determining whether further time should be allowed. Mr. Featherstone to complete the sale or whether the transaction should be closed and the earnest money be forfeited to the Penitentiary System.

Respectfully submitted,

W. P. HOBBY,
Governor.

Senate Bill No. 233.

The Chair laid before the Senate on second reading:

S. B. No. 223, A bill to be entitled "An Act to amend Chapter 27, of the General Laws passed by the Thirty-fifth Legislature of the State of Texas, 1917, entitled 'An Act to amend Section 8, Chapter 119, passed by the Regular Session of the Thirty-second Legislature of the State of Texas, 1911,' relating to official shorthand reporters' compensation in certain counties; and declaring an emergency."

On motion of Senator Alderdice the bill was laid on the table subject to call.

Senate Bill No. 275.

The Chair laid before the Senate on second reading:

S. B. No. 275, being a bill to be entitled "An Act to preserve, propagate and protect the wild game, wild birds, wild fowls of this State; to provide adequate penalties for the unlawful taking, slaughter, sale, purchase or shipment thereof; to provide for the appointment of Deputy Game Commissioners, and fixing their salaries; to define the duties and powers of the Game, Fish and Oyster Commissioner and his deputies; to fix the venue of prosecution under this Act; to provide for the issuance of a hunting license, and prescribing penalties for hunting without a license; to declare that certain moneys shall belong to the Special Game Fund of the State, and the disposition to be made of said moneys; and to repeal all laws in conflict herewith; and declaring an emergency."

On motion of Senator Bailey the bill was laid on the table subject to call.

Senate Bill No. 177.

The Chair laid before the Senate on Second reading:

S. B. No. 177, A bill to be entitled "An Act authorizing towns and villages incorporated under the general law to construct at each residence therein, or any other place therein sanitary closets of such type as will receive the approval of the Texas State Board of Health, and empowering the Board of Aldermen of such town or village to assess the cost of such improvement on the real estate or lot or lots upon which such expense is incurred and providing that lien may be fixed upon such lot or lots, etc., for the improvements made or caused to be made by the town or village, and also providing how the amounts expended in such improvements or work may be fixed and providing for suit and foreclosure of the lien so given and the rate of interest to be paid on amounts so expended; authorizing the board of aldermen of such town or village to issue interest bearing warrants for the purpose of making the improvements herein authorized, but the aggregate amount of such warrants shall not exceed the total cost

of the assessments; exempting all property that is exempt by law from sale under execution, but making the owner of such exempt property personally liable for cost of construction such improvements, and declaring an emergency."

On motion of Senator Clark, the bill was laid on the table subject to call.

Senate Concurrent Resolution No. 32.

Resolved by the Senate, the House of Representatives concurring, that the Governor be requested to return for further consideration, Senate Bill No. 220 and Senate Bill No. 335.

HERTZBERG.

The resolution was read and adopted.

Senate Bill No. 269—Request Revoked.

Senator Gibson moved to withdraw the request for the recall of S. B. No. 269.

The motion prevailed by the following vote:

Yeas—15.

Chair.	Gibson.
Alderdice.	Page.
Buchanan of Bell.	Parr.
Buchanan of Scurry.	Rector.
Carlock.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Floyd.	

Nays—14.

Bailey.	Hall.
Caldwell.	Hertzberg.
Clark.	Hopkins.
Cousins.	McNealus.
Dorough.	Smith.
Dudley.	Witt.
Faust.	Woods.

Absent.

Bell.

Absent—Excused.

Johnston. Strickland.

Senator Bailey moved that the House Committee on Education be requested to hold a joint meeting with the Senate Committee on Educational Affairs on tomorrow night for the purpose of a hearing on S. B. No. 269.

The motion prevailed.

Senate Joint Resolution No. 24.

The Chair laid before the Senate on second reading:

S. J. R. No. 24, being a resolution to be entitled "A Joint Resolution proposing an amendment to Article 16 of the Constitution of the State of Texas, by adding a new section thereto to be known as Section 59; providing that the Legislature shall have power to enact laws authorizing a division of the net proceeds arising from the operation of the prison system of this State between the State and prisoners confined in the penitentiary or their dependents; providing for the submission of a proposed amendment to a vote of the people, and making an appropriation to defray the expenses of such election."

The resolution was read second time and on motion of Senator Dean, was ordered engrossed.

Concerning Printing of Bills.

Here a standing committee made report and recommended that a general bill be printed in the Journal only.

Senator McNealus raised the point of order that under a rule adopted by the Senate as shown by S. R. No. 41, on page 194 of the Journal, all bills except local bills shall be printed and copies thereof laid on the desks of the Senators before they are placed on the calendar, and that printing a bill in the Journal does not comply with this requirement.

The Chair overruled the point of order.

Senator McNealus appealed from the ruling of the Chair and Senator Alderdice was called to the Chair and presided.

The question was put as follows:

Shall the Chair be sustained?

The Chair was sustained by the following vote:

Yeas—20.

Alderdice.	Dean.
Bailey.	Dorough.
Bell.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Hall.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Cousins.	Page.

Smith. Williford.
Suiter. Witt.

Nays—2.

Dudley. McNealus.
Present—Not Voting.

Dayton. Woods.
Parr.

Absent.

Clark. Rector.
Gibson. Westbrook.

Absent—Excused.

Johnston. Strickland.

Senate Bill No. 302.

The Chair laid before the Senate on second reading:

S. B. No. 302, A bill to be entitled "An Act to amend Section 28, Chapter 146, General Laws of the Regular Session of the Thirty-fourth Legislature, 1915, so as to provide for the selection of a depository for the funds of levee improvement districts, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 302 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.
Gibson.	

Absent.

Bell. Clark.

Absent—Excused.

Johnston. Strickland.

The bill was laid before the Senate, read third time and, on motion of Senator Hall, was passed finally.

Senate Bill No. 320.

The Chair laid before the Senate on second reading:

S. B. No. 320, A bill to be entitled "An Act to amend Chapter 74, on pages 139 and 140, of the General Laws of the regular session of the 35th Legislature of Texas, so as to prohibit the sale of road vehicles of certain carrying capacity with tires of less than the herein prescribed width within the State of Texas, fixing penalties for the violation thereof, and providing the time at which such Act shall take effect."

The majority (favorable) committee report carrying amendments was adopted.

Senator Suiter offered the following amendment which was read and adopted:

Amend S. B. No. 320 by striking out the words and figures "five thousand" in both the caption and body of the bill and insert in lieu thereof the words and figures "four thousand."

On motion of Senator Alderdice the bill was passed to engrossment.

Senate Bill No. 227.—Conference Committee Report.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate and Hon. R. E. Thomason, Speaker of the House of Representatives:

Sirs: Your "Free Conference Committee" to whom was referred Senate Bill No. 227, have considered the differences between the two houses and beg to recommend that the House recede from its amendment and that the bill do pass with the following amendments:

(1) Amend by striking out all after the enacting clause down to the emergency clause, and insert in lieu thereof the following:

Section 1. That Section 5, of Chapter 181, General Laws enacted at the regular session of the 35th Legislature, as amended by Chapter 63, General Laws of the Fourth Called Session of the 35th Legislature, be

amended as to hereafter read as follows:

Section 5. It shall be the duty of the Commissioner of Agriculture to appoint inspectors to inspect fruits and vegetables at the different shipping or loading stations in this State, when called upon by the growers, shippers or shippers' agents representing the growers, and the expenses of such inspectors shall be paid by said growers, shippers or shippers' agents. Where two or more shipping agents are operating at the same shipping point, and one of them requests a State Inspector and such inspector is appointed by the Commissioner of Agriculture, each shipping agency at said shipping point shall be required to come under the State Inspector, and each shall pay his pro rata share of the expense of inspection.

Provided, that in the grading, packing and inspection of onions, only those shippers who desire State Inspection shall be required to have their onions inspected under State authority, and all railway and express companies may accept and ship onions not inspected by State Inspectors, provided that graded and non-graded onions shall not be shipped in the same car, except in less than carload lots.

The Commissioner of Agriculture shall furnish a blank form or certificate to all State Inspectors, to be filled out by them to accompany each carload of fruits and vegetables, where State Inspection is enforced. Said certificate shall contain the name and number of the car, the kind and grade of fruits or vegetables, and number of packages contained, the date of shipment and name of inspector, together with the words, "Graded and Packed under State Inspection."

(2) Amend by striking out the caption, and insert in lieu thereof the following:

A bill to be entitled An Act to amend Section 5, Chapter 181, General Laws enacted at the Regular Session of the 35th Legislature, as amended by Chapter 63, Fourth Called Session of the 35th Legislature, relating to the grading and inspection of onions; providing that only those desiring their onions to be inspected shall be required to submit to State Inspection; authorizing railway and express companies to accept for shipment graded and non-graded onions,

under certain conditions and declaring an emergency.

Respectfully submitted,

Parr, Dayton, Gibson, Caldwell, Smith, Committee on part of the Senate; Hornby, Atlee, Seward, Kellis, Terrell, Committee on part of the House.

The foregoing report was read and adopted by the following vote:

Yeas—26.

Alderdice.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Sulter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Present—Not Voting.

Rector.

Absent.

Bailey.

Clark.

Absent—Excused.

Johnston.

Strickland.

Senate Bill No. 296.

The Chair laid before the Senate on second reading:

S. B. No. 296 A bill to be entitled "An Act to provide an adequate method of regulating the practice of civil engineering and surveying in the State; defining civil engineering and surveying; creating a Board of Engineering Examiners and prescribing its powers, duties and compensation; providing for a special fund to be derived from fees; providing for certificates of registration and for examinations and licensing civil engineers and surveyors; defining the qualifications of civil engineers and surveyors; prescribing the mode and manner of holding examinations, and the form of licenses; authorizing the issuance of licenses without examination under certain conditions; fixing fees; providing for a record of certificates of registration and licenses; providing for issuance of sur-

veyors' licenses to civil engineers without examination under certain conditions; fixing the life of certificates of registration and licenses, and providing for renewals thereof; authorizing the issuance of temporary licenses; providing for revocation of certificates of registration and licenses; providing for appeals; providing a penalty for the practice or attempted practice of civil engineering or surveying without a license or certificate of registration; requiring certain classes of reports, maps or other official documents to bear certificates of a registered or licensed civil engineer or surveyor; providing for exemption under certain conditions; repealing all laws in conflict herewith, and declaring an emergency."

Senator Dayton offered the following amendment, which was read and adopted:

Amend Senate Bill No. 296, page 13, by adding to Section 32 the following:

Section 32A. Provided, that all expenses, charges, salaries, etc., provided for in this act shall be paid out of the fees received under the provisions hereof, and no money shall be appropriated out of the general revenue for the purposes of paying any deficiencies that may arise under this Act."

On motion of Senator Page, the bill was postponed indefinitely.

Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 508, A bill to be entitled "An Act creating the Rosedale Independent School District in Jefferson County, Texas, defining its boundaries; providing for a board of trustees in said independent school district and prescribing their qualifications and terms of office, defining the rights, powers and privileges of the board of trustees of said independent school district, etc., and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act to amend Chapter 64, of the Acts of the Regular Session of the Thirty-fifth Legislature, page 123 thereof, relating to the salary of Dis-

trict attorneys in counties having a population in excess of one hundred thousand; and also amending Chapter 55 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 94 thereof, relating to the appointment and compensation of deputy county officers and assistants to District Attorneys; fixing the salary of District Attorneys and their deputies, assistants and stenographers, and providing for the method of appointment of such deputies, assistants and stenographers, and the method of determining and fixing the salaries thereof, in counties having a population of more than one hundred thousand."

H. B. No. 7, A bill to be entitled "An Act to amend Article 2942, of Chapter 4, Title 49, of the Revised Civil Statutes of Texas, of 1911, by adding thereto authority to the holder of a certificate of honorable discharge from the military service of the United States to vote thereon without the payment of poll tax, and declaring an emergency."

H. B. No. 88, A bill to be entitled "An Act to amend Article 2174, Chapter 23, Title 37, of the Revised Civil Statutes of Texas relating to pleadings in suits against non-residents, transients and persons whose place of residence is unknown by providing that the pleadings in such cases shall contain the ordinary requisites of pleadings required by law in cases of personal service, and declaring an emergency."

H. B. No. 456, A bill to be entitled "An Act to prohibit the sale under execution, deed of trust, mortgage or lien of property belonging to soldiers and sailors in the service of the United States, or those who have served as such, during the present war until 12 months after their discharge, and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act to amend Article 7393, Chapter 3, Title 126 of the Revised Civil Statutes of Texas, 1911, prescribing the amount of franchise taxes to be paid by domestic corporations, providing that where a domestic corporation has a permit or permits to do business outside of the State, the franchise tax shall be computed upon that portion of the authorized capital stock, plus the surplus and undivided profits, if any of such corporation, as the total gross receipts of such corporation

from its business done in Texas, bears to the total gross receipts of the corporation from all sources, and declaring an emergency."

H. B. No. 387. A bill to be entitled "An Act to create a more efficient road system for Grayson County, in the State of Texas; creating the office of superintendent of roads and bridges for said county, etc.; and declaring an emergency."

S. B. No. 62, being a bill to be entitled "An Act to repeal Article 1429, Title 17, Chapter 18, of the Penal Code of Texas, and to declare an emergency."

S. B. No. 78, A bill to be entitled "An Act to amend Article 1306 of Chapter 24, Title 25, of the Revised Civil Statutes of Texas of 1911, so as to remove the limitations of the right of common carrier pipe lines organized under said chapter and title to condemn only for pipe lines not exceeding eight inches in diameter and to grant to every person, firm, corporation, limited partnership, joint stock association or association of any kind whatever owning, operating or managing any pipe line or any part of any pipe line within the State of Texas for the transportation of crude petroleum that is declared to be a common carrier by and is subject to the provisions of Chapter 30 of the General Laws passed by the Thirty-fifth Legislature, approved on February 20, 1917, the right and power of eminent domain in the exercise of which he, it or they may enter upon and condemn the lands, rights of way, easements and property of any person or corporation necessary for the construction, maintenance or operation of his, its or their common carrier pipe lines, the manner and method of such condemnation and the assessment and payment of the damages therefor to be the same as provided by law in the case of railroads; and to grant such other rights as are conferred by said article 1306 as amended hereby upon corporations organized under said Chapter 24; and declaring an emergency."

Senate Bill No. 133.

The Chair laid before the Senate on second reading:

S. B. No. 133, A bill to be entitled

"An Act to establish and fix the salaries of the State Purchasing Agent and the Chief Clerk in the office of the State Purchasing Agent, and declaring an emergency."

Senator Hopkins moved to postpone the bill indefinitely.

The motion prevailed by the following vote:

Yeas—19.

Alderdice.	Hall.
Bailey.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Smith.
Clark.	Sulter.
Cousins.	Westbrook.
Dean.	Williford.
Forough.	Witt.
Faust.	Woods.
Floyd.	

Nays—6.

Caldwell.	Hertzberg.
Dayton.	Page.
Dudley.	Parr.

Present—Not Voting.

Carlock.

Absent.

Bell.	Rector.
Gibson.	

Absent—Excused.

Johnston.	Strickland.
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Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 10, 1919.

Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 244, A bill to be entitled "An Act amending Article 3003, Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 30, Acts of the Fourth Called Session of the Thirty-fifth Legislature, so as to prohibit the giving of any assistance to a voter in preparing his ballot, except when such voter is unable to prepare the same himself because of some bodily infirmity which renders him physically unable to write, or is over 60 years of age,

and providing that ballots prepared in violation of this Article shall be void; and declaring an emergency."

The House has appointed, as a committee to assist in memorial services, the following: Poage, Kellis and Quicksall.

The House has adopted S. C. R. No. 32, requesting the Governor to return S. B. Nos. 220 and 335.

Has adopted the conference report on S. B. No. 227 by a vote of 116 ayes and 0 nays.

The House has adopted H. C. R. No. 40, requesting the Governor to return H. B. No. 531, a local road law for Limestone County.

Respectfully submitted,
T. B. REESE,
Chief Clerk, House of Representatives.

Senate Bill No. 256.

The Chair laid before the Senate on second reading:

S. B. No. 256, A bill to be entitled "An Act to prohibit Commissioners' Courts from issuing warrants, negotiable or non negotiable, interest bearing or non-interest bearing, or from otherwise contracting debts against the court house and jail fund, or the road and bridge fund, of their respective counties, in excess of the estimated receipts in the year for which such warrants or evidences of indebtedness are issued, and declaring all contracts undertaking to create any indebtedness against any such fund in excess of the estimated receipts to accrue for that year to such fund to be illegal and void; making County Commissioners and County Judges violating this Act liable for the payment of any such indebtedness and for any amount illegally paid on such indebtedness, and declaring an emergency."

Senator Dean offered the following amendment, which was read and adopted:

Amend S. B. No. 256 by striking out Section 3 and renumbering the remaining sections.

The bill was read second time, and failed of engrossment by the following vote:

50—Jour.

Yeas—9.

Alderdice.	Page.
Buchanan of Scurry.	Suiter.
Clark.	Westbrook.
Cousins.	Witt.
Dean.	

Nays—16.

Bailey.	Floyd.
Bell.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	McNealus.
Dayton.	Parr.
Dorough.	Smith.
Dudley.	Williford.
Faust.	Woods.

Present—Not Voting.

Buchanan of Bell.

Absent.

Gibson.	Rector.
Hall.	

Absent—Excused.

Johnston.	Strickland.
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Senator Hopkins moved to reconsider the vote by which S. B. No. 256 failed to pass to engrossment and to spread that motion on the Journal.

Senator Dudley moved to table the motion to reconsider.

The motion to table prevailed.

House Concurrent Resolution No. 40.

Be it resolved by the House, the Senate concurring, That House Bill No. 531, being a special road law for Limestone County and having passed the House and Senate, and now in the hands of the Governor, be recalled for correction.

ALEXANDER.

The resolution was read and adopted.

Senate Bill No. 72.

The Chair laid before the Senate on second reading:

S. B. No. 72, A bill to be entitled "An Act to amend Articles 3234 and 3244 of the Revised Statutes of 1911, by consolidating them and by adding thereto certain provisions for the

taking of depositions in cases of probating wills and other proceedings in estates where there is no opposing party or attorney of record upon whom service of notice and copies of interrogatories may be had."

On motion of Senator Woods, the bill was passed to its engrossment.

Senate Bill No. 304.

The Chair laid before the Senate on second reading:

S. B. No. 304, A bill to be entitled "An Act to amend Article 279, of the Revised Civil Statutes of 1911, providing that from and after the service of such writ of garnishment, it shall not be lawful for the garnishee to pay to the defendant any debt or to deliver to him any effects; nor shall the garnishee, if an incorporated or joint stock company in which the defendant is alleged to be the owner of shares or to have an interest, permit or recognize any sale or transfer of such shares or interest; and any such payment or delivery, sale or transfer, shall be void and of no effect as to so much of said debt, effects, shares, or interests as may be necessary to satisfy the plaintiff's demand; provided however, that the defendant may, at any time before judgment, replevy any effects, debts, shares or claims of any kind seized or garnished, by giving bond, with two or more good and sufficient sureties to be approved by the officer who issues the writ of garnishment, payable to the plaintiff, in double the amount of the property garnisheed, such bond to be fixed by the court in which the suit is pending; and conditioned for the payment of any judgment that may be rendered against the said garnishee in such suit, which bond when properly approved shall be filed among the papers in the case in the court in which the suit is pending; and in all proceedings in garnishment where the defendant gives bond as herein provided for, such defendant may make any defense which the defendant in garnishment could make in such suit, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills

to be read on three several days was suspended and Senate Bill No. 304 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Faust.
Bailey.	Floyd.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Sulter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.

Absent.

Gibson.	Rector.
Hall.	

Absent—Excused.

Johnston.	Strickland.
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The bill was laid before the Senate, read third time and, on motion of Senator Witt, was passed finally.

Senate Bill No. 280.

The Chair laid before the Senate on second reading:

S. B. No. 280, being a bill to be entitled "An Act to amend Article 1903 of Chapter 176, of the General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session."

Senator Bailey offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 280 by inserting between the words "but" and "many" in line 11 on page 2, of the printed bill, the words "such cause;" and also,

Amend the caption of the bill by inserting in line 11 page 1 of the printed bill between the word "thereof" and the word "and" the words "when such plea of privilege has been over-ruled or sustained," and also amend the caption by striking cut in line 11 page 1 of the printed bill the word "and" between the words "venue" and "providing" and inserting a comma in lieu thereof.

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 280 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Floyd.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Cousins.	Smith.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.

Present—Not Voting.

Buchanan of Bell.

Absent.

Clark.	Hall.
Gibson.	Rector.

Absent—Excused.

Johnston. Strickland.

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed finally.

Senate Bill No. 272.

The Chair laid before the Senate on second reading:

S. B. No. 272, A bill to be entitled "An Act to amend Articles 3482, 3489, and 3491 of the Revised Civil Statutes of 1914, and to repeal Articles 3492 and 3493, Revised Civil Statutes of 1914, relating to sales of property belonging to estates of decedents and declaring an emergency."

The committee report carrying amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Carlock, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 272 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Bell.
Bailey.	Buchanan of Bell

Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Gibson.	Rector.
Hall.	

Absent—Excused.

Johnston. Strickland.

The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed finally.

Adjournment.

At 5:47 o'clock p. m., the Senate on motion of Senator Page, adjourned until 10 o'clock tomorrow.

APPENDIX.

Petitions and Memorials.

Senator Hall offered two petitions one from the citizens of Galveston, protesting against the passage of House Bill No. 43 and the other from E. A. Bynum of Texas City, protesting against the Dean bill relative to the closing of movies on Sunday.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, March 8, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 391 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill

No. 215 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 219 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 247 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 300 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed bills have had Senate Joint Resolution No. 22 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 238 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 237 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 307 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Joint Resolution No. 23 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 7, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 339 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 7, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 287 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 7, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 309 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 234 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills have had Senate Bill No. 299 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 128 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 7, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 196 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 7, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 333 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 336 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Joint resolution No. 17 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 240 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 315 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 258 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 313 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 338 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 265 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 7, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Public Printing, to whom was referred

S. B. No. 371, being a bill to be entitled "An Act to create the Board of Public Printing, provide for a secretary thereof, who shall also be the State Expert Printer, and fixing his salary, providing clerical help for the

State Expert Printer, to provide for the letting of contracts for printing, binding and furnishing stationery and other supplies, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had same under consideration and beg leave to report back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred House Concurrent Resolution No. 18, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

HALL, Chairman.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred Simple Resolution No. 33, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

HALL, Chairman.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred Simple Resolution No. 32, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

HALL, Chairman.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred Simple Resolution No. 22, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the committee amendment.

Committee Amendment.

Amend S. S. R. No. 22 by striking out the word "three" on line 3 imme-

diately after the word "than" and insert in lieu thereof the word "five."

HALL Chairman.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We your Committee on Rules, to whom was referred H. C. R. No. 13, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with committee amendments.

Committee Amendments.

Amend H. C. R. No. 13 by adding after the words "Texas" on line 6, the following, "with the article designated at the top of each page."

Amend H. C. R. No. 13 by striking out the words "are necessary" on line 8, and inserting in lieu thereof the following, "may be approved and ordered printed in said manual by the Committees on Rules of the House and Senate, respectively."

HALL, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 458. A bill to be entitled "An Act to create the Eighty-eighth Judicial District; fixing its jurisdiction and time of holding courts therein; providing for the appointment by the Governor of a judge for the Forty-second District; providing that the district clerk and county attorney of Eastland county shall be officers of said Eighty-eighth District Court and fixing their compensation for services rendered therein; providing, further, for the transfer of cases from and to the Forty-second Judicial District Court and the Eighty-eighth Judicial District Court from one court to the other, requiring notices of such transfer of cases in certain instances to be given, reorganizing the Forty-second Judicial District and providing for the time for holding court in the counties of Taylor, Callahan, Schackleford, and Stephens; and declaring an emergency."

Have had the same under consideration and beg leave to report same back to the Senate with the recom-

mendation that it do pass and be not printed.

Dorough, Chairman; Bailey, Hall, Witt.

Committee Room.

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 73, A bill to be entitled "An Act providing that any person who shall obtain any money or other thing of value with intent to defraud by the giving or drawing of any check draft or order upon any bank, person, firm or corporation with which or with whom such person giving or drawing such check, draft or order has no funds or insufficient funds on deposit to his credit with such bank, person, firm or corporation, with which such check, draft or order may be paid, unless said person shall have previously made arrangements for payment of same, shall be deemed guilty of swindling; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

Committee Room.

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 380, A bill to be entitled "An Act conferring upon the Court of Criminal Appeals and the clerk of said court in original cases filed in said court all of the powers conferred by the laws of this State upon the district courts and the clerks thereof in the issuance of subpoenas for the attendance of witnesses and all other process; providing that said process shall be served by any officer authorized to serve process in this State; providing that witnesses summoned before the Court of Criminal Appeals shall receive the same fees and mileage as are paid in criminal cases in the district court; providing that the sheriffs and constables shall receive the same fees as for like service in the district court and making an appro-

priation to pay witness fees and costs, and declaring an emergency."

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do pass and be not printed.

DEAN, Chairman.

Committee Room.

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred Senate Bill No. 394, have had the same under consideration and I am directed to report it favorably with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate:

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. 606, a bill to be entitled "An Act creating the Pflugerville Independent School District, in Travis and Williamson Counties, Texas, consolidating into said Independent School District the territory included in the present Pflugerville Independent School District, Common School District No. 56, Common School District No. 12, Williamson and Travis Line School District No. 14, and Common School District No. 15; defining its boundaries, vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor; making provision for taxation for school purposes in said district, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate:

Sir: Your Committee on Insurance and Banking, to whom was referred S. B. No. 392, have had the same under consideration, and beg leave to report the same back to the

Senate, with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, March 10, 1919.

W. A. Johnson, President of the Senate:

Sir: Your committee on Labor, to whom was referred H. B. No. 310,

Have had the same under consideration, and I am instructed to report the same back to the Senate with recommendation that it do pass.

SMITH, Vice Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate:

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 587, A bill to be entitled "An Act to fix the time of holding the courts in the Sixty-fourth Judicial District of Texas; to validate all process, bonds and recognizances heretofore taken in the courts of said district, and all judgments therein rendered, or to be rendered; repealing all laws in conflict herewith, and declaring an emergency."

Have had same under consideration and beg to report same back to the Senate with the recommendation that it do pass and be not printed.

Dorough, Chairman; Williford, Witt, Bailey, Hall.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate:

Sir: We, your committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 600, A bill to be entitled "An Act to create a more efficient road system for Erath County, in this State, and making the County Commissioners of said county ex-officio Road Commissioners, etc."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Woods Chairman; Carlock, Page, Caldwell.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Internal Improvement to whom was referred

H. B. No. 502, A bill to be entitled "An Act to permit the Texas Arkansas & Louisiana Railway Company to take up and remove its railroad track heretofore constructed from Atlanta to Bloomburg, Texas, in Cass county, and to sell, and dispose of same together with its locomotive engines, etc.,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

BUCHANAN of Scurry Chairman.

By Newton.

H. B. No. 502.

A BILL

To Be Entitled

An Act to permit the Texas, Arkansas & Louisiana Railway Company to take up and remove its railroad track heretofore constructed from Atlanta to Bloomburg, Texas, in Cass county, and to sell and dispose of same, together with its locomotive engine and rolling stock and all other property of whatever kind, character, and description and wherever located, and to abandon said road and to surrender its charter, and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That permission is hereby granted the Texas, Arkansas and Louisiana Railway Company to take up its railroad track heretofore constructed between the towns of Atlanta and Bloomburg, Texas, both in Cass county, a distance of eight or nine miles, and all switches and side tracks connected therewith, and remove all rails, angle bars, track fasteners, switches, sidings, culverts, cross ties, and all other kinds of materials or equipment located on its said railroad between the points named, and to sell and dispose of same in such manner as it may see fit, and to abandon the said railway and track, and, further to sell locomotive engine and cars and all equipment and property belonging to the said railway company, whether realty

or personalty, as it may see fit, and to surrender to the Secretary of State its charter; and authority is here given to the said Secretary of State to cancel same in all respects.

Sec. 2. The fact that the said railroad is not able to pay its operating expenses, and that the track is in dangerous condition for use, that the engine belonging to the said company is not in condition to run, and that said road cannot serve the public in any way in its present condition, and the further fact that the said track and material belonging to said company is rapidly deteriorating and will soon become a total loss to its owners, and the crowded condition of the calendar at this session of the Legislature, create an emergency and an imperative public necessity which requires that the constitutional rule providing that bills be read on three several days be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 10, 1919.

Hon W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 168, A bill to be entitled "An Act appointing and designating Mrs. O. M. Roberts as Assistant Guide in charge of paintings, providing for her salary, making an appropriation and declaring an emergency,"

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass, and be not printed in bill form, but be printed in the Journal.

WESTBROOK, Chairman.

By McCord et al. H. B. No. 168.

A BILL

To Be Entitled

An Act appointing and designating Mrs. O. M. Roberts as Assistant Guide in charge of paintings, providing for her salary, making an appropriation and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Mrs. O. M. Roberts, surviving wife of Governor

O. M. Roberts, be, and is hereby, appointed and designated as Assistant Guide in charge of pictures for the term of two years from the passage of this Act.

Sec. 2. That the said Mrs. O. M. Roberts shall receive a salary of six hundred dollars per annum, payable in monthly installments of fifty dollars each, and for the purpose of paying such salary there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of twelve hundred dollars or so much thereof as may be necessary. The said position of Assistant Guide is hereby attached to the Department of Public Buildings and grounds, and the salary herein provided for shall be paid in the same manner as other salaries in said department are paid.

Sec. 3. The large amount of business to be done at the present session of the Legislature, and the urgent need of clearing the calendar of pending legislation as rapidly as possible, creates an emergency and an imperative public necessity that the rule requiring bills to be read three several days is suspended and that this Act take effect upon its passage, said rule is hereby suspended and this Act shall be in force and effect from its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 199, A bill to be entitled "An Act making appropriations to cover authorized deficiencies for the fiscal years ending August 31st, 1918, and August 31st, 1919, and for outstanding deficiencies prior to September 1st, 1917, and declaring an emergency,"

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed in bill form, but be printed in the Journal.

WESTBROOK, Chairman.

By Thomas et al. H. B. No. 199.

A BILL

To Be Entitled

An Act making appropriations to cover authorized deficiencies for

the fiscal years ending August 31st, 1918, and August 31st, 1919, and for outstanding deficiencies prior to September 1st, 1917, and declaring an emergency.		Live Stock Sanitary Commission, office expense \$	250.00
Be it enacted by the Legislature of the State of Texas:		Agricultural and Mechanical College steam plant	10,417.00
Section 1. That the following sums be, and the same are hereby, appropriated to cover deficiencies for the purposes herein named for the fiscal years ending August 31st, 1918, and August 31st, 1919, and to cover outstanding deficiencies prior to September 1st, 1917, as authorized by the Governor in accordance with Article 4342 of the Revised Civil Statutes of the State of Texas, as follows:		Prairie View Normal, steam plant	15,038.53
Warehouse and Marketing Department, for postage	300.00	Pure Food Department, salaries and expenses	750.00
Warehouse and Marketing Department, contingent expenses	500.00	Bureau of Labor, salaries of inspectors...	900.00
East Texas Normal College, contingent expenses	1,000.00	Bureau of Labor, traveling expenses	300.00
East Texas Normal College, for repairs.....	13,900.00	Department of State, freight, postage, express, telegraphing and telephoning and contingent expenses ...	500.00
Deaf, Dumb and Blind School for Colored Youths, dry goods and clothing	600.00	School of Mines, insurance, water	10,519.10
Public Buildings and Grounds, water, light, fuel and contingencies	4,000.00	Deaf, Dumb and Blind Institute for Colored, support and maintenance	750.00
Agricultural Department, expense nursery inspection	3,000.00	State Library, traveling expenses	55.00
Texas School for the Blind, fuel, coal, oil and gasoline	800.00	Fire Insurance Commission, necessary expense incurred for fire investigations and enforcement of the State Fire Insurance Commission law and contingent expenses	1,000.00
Southwestern Insane Asylum, support and maintenance	40,000.00	State Hospital for Crippled Children, for support and maintenance	1,250.00
State Orphans' Home, fuel	3,000.00	Girls' Training School, support and maintenance	3,000.00
State Orphans' Home, support and maintenance	4,000.00	Girls' Training School, plumbing and heating	500.00
State Lunatic Asylum, support and maintenance	71,060.40	North Texas Hospital for Insane, support and maintenance	8,000.00
State Lunatic Asylum, dry goods and clothing	15,000.00	Bureau of Labor, contingent expenses	675.00
Live Stock Sanitary Commission, State Veterinarian	500.00	East Texas Normal College, contingent expenses, salary adjustments and other necessary expenses as directed by the Board of Regents	3,875.00
Confederate Home, support and maintenance	10,000.00	North Texas Normal, contingent expenses, additional teachers, salary adjustments and other necessary expenses as directed by the Board of Regents	6,000.00
Live Stock Sanitary Commission, expense of the chairman	100.00	State Lunatic Asylum, dry goods and clothing	8,000.00

Text Book Commission,
salaries and expense..\$ 2,000.00

Total\$241,540.03

Sec. 2. The fact that there are no appropriations to pay the deficiency claims above enumerated, which are outstanding and which are just and legal demands against the State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Engrossed Rider to H. B. No. 199.

Amend H. B. No. 199, page 2, by adding between lines 26 and 27 the following:

Southwestern Insane Asylum—

For repairs\$ 1,000.00

For dining room equipment 5,000.00

And by changing the total to read "\$247,540.03."

March 7, 1919, adopted.

T. B. REESE,

Chief Clerk, House of Representatives.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 22, A bill to be entitled "An Act increasing the salaries of district attorneys in all judicial districts in this State, composed of two counties or more to Three Thousand Dollars per annum; providing the manner of payment of salaries, and making a disposition of the fees, commissions and prerequisites of the office of district attorney, and declaring an emergency,"

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass, and be printed in the journal only.

Dorough, Williford, Witt, Bailey, Hall.

By Fairchild and Richards. H. B. No. 22.

A BILL

To be entitled

An Act increasing the salaries of district attorneys in all judicial dis-

tricts in this State, composed of two counties or more, to Three Thousand Dollars per annum; providing the manner of payment of salaries, and making a disposition of the fees, commissions and perquisites of the office of district attorney, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1120 of Title 15 of Chapter 2 of the Penal Code of the State of Texas be and the same is hereby amended so as to hereafter read as follows:

In addition to the five hundred dollars now allowed them by law, district attorneys in all judicial districts of this State composed of two counties or more shall receive from the State as compensation for their services, the sum of fifteen dollars for each day they attend the session of the district court in their respective districts in the necessary discharge of their official duty, and fifteen dollars per day for each day they represent the State at examining trials, inquest proceedings and habeas corpus proceedings in vacation; said fifteen dollars per day to be paid to the district attorneys, upon the sworn account of the district attorney, approved by the district judge, who shall certify that the attendance of said district attorney for the number of days mentioned in his account was necessary, after which said account shall be recorded in the minutes of the district court, provided that the maximum number of days for such attendance and service for which the said commission is allowed shall not exceed one hundred and seventy days in any one year; and, provided further, that all fees in misdemeanor cases, and commissions and fees heretofore allowed district attorneys under the provisions of Article 1118 of the Code of Criminal Procedure, and in Chapter 5 of the General Laws passed at the Special Session of the Twenty-fifth Legislature, in districts composed of two or more counties shall, when collected, be paid to the clerk of the district court, who shall pay the same over to the State Treasurer; provided, the provisions of this bill shall not apply to district attorneys whose last preceding annual report of himself or his predecessor shows that he or his predecessor making such report received in fees, under the criminal laws, over two thousand four hundred and ninety-five dollars.

Provided, further, that in districts composed of two or more counties, and in which said district there is a county containing a city of thirty-five thousand population or over, according to the last federal census, the district attorney in such district shall with the approval of the county commissioners court of such county, be authorized to appoint one assistant district attorney, who shall receive a salary of not to exceed one hundred and fifty dollars per month, such salary to be paid by such county, payable monthly; and provided, further, that such assistant district attorney, when so appointed, shall take the oath of office, and be authorized to represent the State in such county, and such authority to be exercised under the direction of the district attorney, and such assistant district attorney shall be subject to removal at the will of the district attorney. Such assistant district attorney shall be authorized to perform any duty devolving upon the district attorney and to perform and exercise any power conferred by law upon the district attorney when by him so authorized.

Sec. 2. The near approach of the close of the present session and the importance of this measure, creates an emergency and an imperative public necessity that the constitutional rule which requires the reading of bills on three several days in each house, be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: Your Committee on Civil
Jurisprudence, to whom was referred

S. B. No. 387, being a bill to be entitled "An Act to amend Article 616 of the Revised Civil Statutes of the State of Texas, 1911, providing for the enforced levy, assessment and collection of taxes for interest and sinking funds for indebtedness by counties, cities and towns; providing penalty for failure of assessor to assess property for taxation for such purposes, and of the collector to collect such taxes; providing penalty for failure of any county, city or town treasurer, or city or county depository, or the officers thereof, as the

case may be, to remit funds to place of payment named in said obligation, when notified; and declaring an emergency."

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do pass and be not printed in bill form, and be printed only in the Journal.

DEAN, Chairman.

By Sulter.

S. B. No. 387.

A BILL

To Be Entitled

An Act to amend Article 616 of the Revised Civil Statutes of the State of Texas, 1911, providing for the enforced levy assessment and collection of taxes for interest and sinking funds for indebtedness incurred by counties, cities and towns; providing penalty for failure of assessor to assess property for taxation for such purposes, and of the collector to collect such taxes; providing penalty for failure of any county, city or town treasurer, or city or county depository, or the officers thereof, as the case may be, to remit funds to place of payment named in said obligations, when notified; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Article 616 of the Revised Civil Statutes of the State of Texas be and the same is hereby amended so as to hereafter read as follows:

Art. 616. Hereafter any county, city, or town, acting through its commissioners' court, city council, or board of aldermen, as the case may be, in authorizing the execution of any bonds in pursuance of law, shall, at the time, provide for the levy, and collection of a tax of sufficient amount with which to pay the annual interest and create a sinking fund with which to pay bonded indebtedness as it matures, and shall annually each year thereafter levy, and direct the proper officers to assess and collect such taxes as shall be necessary for said purposes; and if any county commissioners' court, or city or town council, or board of commissioners or board of aldermen, as the case may be, shall fail or refuse to levy taxes for said purposes for any year, the taxes levied for the

previous year, or the last preceding year in which taxes for said purposes were so levied, shall remain as the levy for such purposes until a new levy has been made; provided that such commissioners' court, or city or town council, or board of aldermen or board of commissioners, as the case may be, may, from time to time, increase or diminish such taxes so as to adjust the same to the taxable values of the property of the county, city or town, and the amount to be collected; provided that the amount of such taxes shall not at any time be reduced so that it will not raise an amount sufficient to pay the annual interest and create the necessary sinking fund for retiring said indebtedness for said year; and if any tax assessor of any county, city or town, shall fail or refuse to assess property for taxation as herein provided, and if any tax collector of any county, city or town, shall fail or refuse to collect the taxes so levied, both such assessor and collector shall be liable, severally, or jointly and severally, upon his or their official bonds for the amount of such interest and sinking fund unprovided for said year, and in addition thereto, shall be guilty of a misdemeanor and may be fined in any sum not to exceed one thousand dollars (\$1,000.00), and a verdict of guilty in any such case shall ipso facto vacate his office; provided that any tax collector in determining whether this article has been complied with, shall be given credit for delinquent and unpaid taxes, because of apathy of the owner of property, or because of an injunction restraining the payment of taxes; and any county treasurer, or city or town treasurer, or any county or city depository, or the officers of such depository, who fails to remit funds to the place of payment named in the face of the obligations incurred by the county, city or town, when such funds are in the treasury or county or city depository for such purpose, shall be guilty of a misdemeanor, and may be fined in any amount not less one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) and in case of county or city or town treasurer, a verdict of guilty shall ipso facto vacate his office, and in case of county depository, shall ipso facto forfeit its de-

pository contract with such county, or city or town, as the case may be.

Section 2. The fact that many counties, cities and towns in this State, have issued their obligations, and have not made adequate provision for their payment at maturity, and the further fact that there is no adequate law providing penalty for failure of public officials to do their duty in the matter of protecting the credit of such county, city or town, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in three several days be suspended, and said rule is suspended, and this Act shall take effect and be in force from and after its passage.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 211, being a bill to be entitled "An Act to amend Article 1853 of the Revised Civil Statutes of the State of Texas, 1911, providing that where defendant is to be served with citation without the county in which the suit is pending, that a certified copy of plaintiff's petition shall accompany said citation and providing further that such citation shall not be required to state plaintiff's cause of action; and providing further, that should there be more than one defendant to be served without the county a certified copy shall be made out for each of them, and declaring an emergency,"

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do pass, and be printed only in the Journal, with the attached committee amendments.

DEAN, Chairman.

Amend House Bill No. 211 by striking out Section 1 and insert in lieu thereof a new section to be as follows:

Section 1. That Article 1852 of the Revised Civil Statutes of the State of Texas of 1911 be amended so as to hereafter read as follows:

Article 1852. Such citation shall be directed to the sheriff or any constable of the county where the defendant is alleged to reside or be,

and shall command him to summon the defendant to appear and answer the plaintiff's petition at the next regular term of the court, stating the time and place of holding the same. It shall state the date of the filing of the plaintiff's petition, the file number of the suit, the names of all the parties and the nature of the plaintiff's demand, and shall contain the requisites prescribed in Article 2180; provided that where under the law it is necessary to accompany such citation with a certified copy of plaintiff's petition it shall not be necessary for the citation to state the nature of plaintiff's demand.

Amend House Bill No. 211 by striking out the caption and by inserting in lieu thereof a new caption, as follows:

A BILL

To Be Entitled

An Act to amend Article 1852 of the Revised Civil Statutes of the State of Texas of 1911, prescribing the requisites of a citation so as to provide that where under the law a certified copy of plaintiff's petition must accompany such citation it shall not be necessary to state the nature of plaintiff's demand, and declaring an emergency.

By Hill of Wheeler. H. B. No. 211.

A BILL

To Be Entitled

An Act to amend Article 1853 of the Revised Civil Statutes of the State of Texas, 1911, providing that where defendant is to be served with citation without the county in which the suit is pending, that a certified copy of plaintiff's petition shall accompany said citation, and providing further that such citation shall not be required to state plaintiff's cause of action; and providing further, that should there be more than one defendant to be served without the county a certified copy shall be made out for each of them, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1853 of the Revised Civil Statutes of the State of Texas, 1911, be, and the same is hereby, amended so as to hereafter read as follows:

Article 1853. Where the defendant is to be served without the county in which the suit is pending, a cer-

tified copy of the plaintiff's petition shall accompany the citation; and such citation shall not be required to state plaintiff's cause of action; and should there be more than one defendant to be served without the county a certified copy of the petition shall be made out to each of them.

Sec. 2. The fact that the law as it now exists requires citations issued outside of the county of their issuance to state the nature of plaintiff's demand and to be accompanied by a certified copy of said plaintiff's petition, necessitating a great deal of work and expense on the part of officers in restating, in the citation, the nature of plaintiff's demand when a petition stating such demand accompanies such citation, which is a useless and needless expenditure of public funds, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby, suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence to whom was referred

H. B. No. 159, being a bill to be entitled "An Act to amend Article 1861 of the Revised Civil Statutes of the State of Texas of 1911, by adding thereto a method of securing services of citation or other process on foreign corporations, joint stock companies or associations or acting corporations or associations which have no local agent or other officer within the State on whom service may now be had, and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend House Bill No. 159 by inserting after the words "general manager" and before the words "upon any local or traveling agent," the following, "and in any such suit upon any cause of action arising within the State of Texas citation or other process may also be served."

Strike out in lines 10 and 11 of

the caption of the bill the following, "which have no local agent or other officer within the State on whom service may now be had."

And that said bill be not printed, but be printed in the Journal.

DEAN, Chairman.

By Bonham. H. B. No. 159.

A BILL

To Be Entitled

An Act to amend Article 1861 of the Revised Civil Statutes of the State of Texas of 1911, by adding thereto a method of securing services of citation or other process on foreign corporations, joint stock companies or associations or acting corporations or associations which have no local or other officer within the State on whom service may now be had, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1861 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so that hereafter the same shall read as follows, to-wit:

Article 1861. In any suit against a foreign, private or public corporation, joint stock company or association, or acting corporation or association, citation or other process may be served on the president, vice president, secretary or treasurer or general manager, upon any local or traveling agent or traveling salesman, within the State, of such corporation, joint stock company or association, or acting corporation or association.

Sec. 2. The fact that at the present time, there exists no method of securing service of citation on a large number of foreign corporations, joint stock companies and associations, which said corporations and associations employ large numbers of traveling salesmen and traveling agents within the State transact an enormous business within the State and are practically immune from suit, creates an emergency and an imperative public necessity that the constitutional rule providing that bills shall be read on three several days in both houses be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence to whom was referred

H. B. No. 345, being a bill to be entitled "An Act to amend Article 1869, Chapter 6, Title 37, of the Revised Civil Statutes of the State of Texas of 1911, providing that where defendant without the State shall be served with a notice that a certified copy of the plaintiff's petition shall accompany said notice, and providing further that such notice shall not be required to state plaintiff's cause of action, and declaring an emergency,"

Has had said bill under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed in bill form, and be printed in the Journal only.

DEAN, Chairman.

By Hill of Wheeler H. B. No. 345.
and Brown of Tarrant.

A BILL

To Be Entitled

An Act to amend Article 1869, Chapter 6, Title 37, of the Revised Civil Statutes of the State of Texas of 1911, providing that where defendant without the State shall be served with a notice that a certified copy of the plaintiff's petition shall accompany said notice and providing further that such notice shall not be required to state plaintiff's cause of action, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1869 of the Revised Civil Statutes of the State of Texas, 1911, be and the same is hereby amended so as to hereafter read as follows:

Article 1869. Where the defendant is absent from the State, or is a non-resident of the State, the clerk shall, upon the application of any party to the suit, his agent or attorney, address a notice to the defendant requiring him to appear and answer the plaintiff's petition at the time and place of holding the court, naming such time and place. Its style shall be, "The State of Texas," and it shall give the date of the filing of the petition, the file number of the suit, the names of all the par-

ties and shall state that a copy of the plaintiff's petition accompanies the notice, but such notice shall not be required to state plaintiff's cause of action. It shall be dated and filed, and attested by the clerk, with the seal of the court impressed thereon; and the date of its issuance shall be noted thereon; a certified copy of the plaintiff's petition shall accompany the notice.

Sec. 2. The fact that the law as it now exists requires notices issued to defendants without the State to state the nature of plaintiff's demand and to be accompanied by a certified copy of said plaintiff's petition, necessitating a great deal of work and expense on the part of officers in restating, in the notice, the nature of plaintiff's demand when a petition stating such demand accompanies such notice, which is a useless and needless expenditure of the public funds, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby, suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 385, being a bill to be entitled "An Act authorizing gas, oil, other mineral and metal leases and sale of gas, other minerals and metals by executors or administrators under order of the county court entered on the minutes of the Probate Court either in term time or in vacation; providing for notice of the application for such order; requiring report by executors or administrators of such leases and sales and providing for the manner of approval or disposal thereof by the county court in term time or in vacation; and declaring an emergency,"

Has had the bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only, with the following amendment:

Amend S. B. No. 385 by adding at the end of Article 3480b, the following:

"provided that no lease executed under the provisions of this chapter shall be binding upon heirs, legatees, or distributees of any estate, or on purchasers from said estate unless actual development has been commenced by the time said estate is partitioned and distributed and is being and continues to be prosecuted with reasonable diligence thereafter."

DEAN, Chairman.

By Dean.

S. B. No. 385.

A BILL

To Be Entitled

An Act authorizing gas, oil, other mineral and metal leases and sale of gas, other minerals and metals by executors or administrators under order of the county court entered on the minutes of the Probate Court, either in term time or in vacation; providing for notice of the application for such order; requiring report by executors or administrators of such leases and sales and providing for the manner of approval or disposal thereof by the county court in term time or in vacation; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

That Chapter 22 of the Revised Statutes of the State of Texas, effective on the first day of September, A. D. 1911, be amended by adding thereto Article 3480a and 3480b to read as follows:

Article 3480a. Whenever there is real property belonging to the estate of a deceased person that is believed to contain gas, oil, other minerals, or metals, upon application in writing by the executor or administrator, or any heir, devisee or legatee of the deceased interested in such gas, oil, other minerals or metals, or any creditor of the estate whose claim has been allowed and approved or established by suit, the county court, by an order entered on the minutes of the court either in term time or in vacation may direct the lease of such property for the purpose of drilling, mining and operating for such gas, oil, other minerals or metals; or any part thereof. Such order shall state the minimum bonus, if any, to be received by the executor or administrator under such lease or sale, the minimum royalty to be reserved to the estate under such lease or sale in no

event less than 1-8 royalty on oil and such other terms of such lease or sale as the court may desire to embody in such order.

Before such application shall be heard by the county court, notice of such application shall, however, be given by the executor or administrator by publication of such notice in one issue of any newspaper published in the county where such real property is situated, which notice shall appear subsequent to filing of such application and not less than ten days prior to hearing thereon, and which notice shall describe such real property with sufficient accuracy to identify same and shall state the time and place of hearing on such application.

Article 3480b. The executor or administrator shall in term time or vacation report to the county court any lease or sale made by him in accordance with the immediate foregoing article within ten days of entry of order authorizing such lease or sale and shall embody in such report, or attach thereto, a full copy of the proposed contract of lease or deed of conveyance evidencing such sale and such lease or sale shall be approved by the court, with such amendments if any as the court may direct, or shall be disapproved by the court at any time within ten days after the filing of such report either in term time or vacation by an order of approval or disapproval entered on the minutes of said court. If said lease is approved the order of approval shall direct the executor or administrator to execute and deliver the lease contract or deed of conveyance approved on compliance by the other party or parties thereto with the terms thereof.

The fact that gas, oil and other mineral and metal lands are being rapidly developed in this State that oil and gas have been discovered in large quantities in various sections of this State; that in many instances there is danger of loss to estates of deceased persons through operations on tracts adjacent to real property belonging to estates; and that there is now no adequate law authorizing the leasing of real property belonging to such estate or the sale of the gas, oil, other minerals and metals contained therein creates an emergency and urgent public necessity for the

suspension of the constitutional rule requiring bills to be read on three several days in each house and said rule is now here suspended and this Act shall take effect and be in operation from and after its passage. Be it so enacted.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 247, being a bill to be entitled "An Act to define what shall constitute a unit of weight or measure, for all commodities purchased or sold by length, weight or measure; providing penalties for anyone who shall sell any article or commodity representing same to be a greater or less number of pounds or quantity per unit with intent to defraud; providing that all articles of food stuff, produce or commodity shall contain the net weight of such produce or commodity, and providing penalties for the violation of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not in bill form.

SUITER, Chairman.

By Rosser et al. H. B. No. 247.

A BILL To Be Entitled

An Act to define what shall constitute a unit of weight or measure for all commodities purchased or sold by length, breadth or measure; providing penalties for anyone who shall sell any article or commodity representing same to be a greater or less number of pounds or quantity per unit with intent to defraud; providing that all articles of food stuff, produce or commodity shall contain the net weight of such produce or commodity, and providing penalties for the violation of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Legal Standards: The standard of weights and measures adopted and used by the Government of the United States is hereby de-

clared the legal standard of weights and measures of this State; provided, that as to commodities for which the Congress of the United States provided no standard of weights and measures, the standards adopted by this State shall be the standards of weights and measures for such commodities. The unit of standard of length and surface, from which all the other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, is the standard yard designated in this Act, which is divided into three equal parts called feet, and each foot into twelve equal parts called inches. For measures of cloth and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths. The rod, pole or perch contains five and one-half yards; the mile one thousand seven hundred and sixty yards. The Spanish vara, thirty-three and one-third inches. Where land is measured by the English rule, the chain for measuring land shall be twenty-two yards long and divided into one hundred equal parts called links. The acre for lands measure shall be measured horizontally and shall contain forty-eight hundred forty square yards, six hundred forty acres shall constitute a square mile.

Sec. 2. The units or standards of weight from which all the other weights shall be derived and ascertained shall be the standard of avoirdupois and troy weights designated in this Act, and avoirdupois pounds shall bear to the troy pounds the ratio of seven thousand to five thousand seven hundred and sixty grains, and the avoirdupois pound shall be divided into sixteen equal parts called ounces. The hundredweight shall consist of one hundred avoirdupois pounds and twenty hundredweight shall constitute a ton. The troy ounce shall be one-twelfth of a troy pound.

Sec. 3. The units or standards of measure of capacity for liquids from which all other measures shall be derived and ascertained shall be the standard gallon and its parts designated in this Act. The barrel shall constitute thirty-one and one-half gallons and two barrels shall make a hogshead. All other measures of capacity for liquids shall be derived from the liquid gallon by continual division by the number two, so as to

make half gallons, quarts, pints, half pints and gills. The unit or standard measure of capacity for substances not liquids, from which all measures of such substances shall be derived and ascertained, is the standard half bushel mentioned in this Act. The peck, half peck, quarter peck, quart and pint measure for measuring commodities which are not liquid shall be derived from the half bushel by successively dividing that measure by two. The standard bushel measure shall constitute two thousand one hundred fifty and forty-two one-hundredths cubic inches; the standard half bushel measure shall contain ten hundred seventy-five and twenty one-hundredths cubic inches; the standard gallon shall contain two hundred thirty-one cubic inches. All measures for measuring dry commodities shall not be heaped, but shall be stricken with a straight stick or roller.

Sec. 4. All contracts hereafter to be executed and made within this State for any work to be done, or for anything to be sold, delivered, done or agreed for, by weight or measure, shall be taken and construed to be made according to the standard weight and measure ascertained as hereinbefore provided, unless there is an express contract to the contrary. In making any adjustment of weights or measures under the laws of this State, the standard herein given in this Act shall be taken as the rule and guide for making such adjustment.

Sec. 5. Whenever any of the following articles shall be contracted for, sold or delivered, the weight per bushel or barrel or divisible merchantable quantities of a bushel or barrel or ton shall be as follows:

Wheat flour, per barrel, 200 pounds.

Wheat flour, per half barrel sack, 100 pounds.

Wheat flour, per quarter barrel sack, 50 pounds.

Wheat flour, per eighth barrel sack, 25 pounds.

Cornmeal, per bushel sack, 50 pounds.

Cornmeal, per half bushel sack, 25 pounds.

Cornmeal, per quarter bushel sack, 12 1-2 pounds.

Alfalfa seed, per bushel, 60 pounds.

Apples, green, per bushel, 50 pounds.

Apples dried, per bushel, 28 pounds.	Millet, Japanese barnyard, per bushel, 35 pounds.
Barley, per bushel, 48 pounds.	Oats, per bushel, 32 pounds.
Beans, green, or string, per bushel, 24 pounds.	Onions, per bushel, 57 pounds.
Beans wax, per bushel, 24 pounds.	Onion sets, top, per bushel, 30 pounds.
Beans white, per bushel, 60 pounds.	Onion sets, bottom, per bushel, 32 pounds.
Beans, costor, per bushel, 46 pounds.	Orchard grass seed, per bushel, 14 pounds.
Beets, per bushel, 60 pounds.	Parsnips, per bushel, 50 pounds.
Bluegrass seed, per bushel, 14 pounds.	Peaches, per bushel, 50 pounds.
Bran, per bushel, 20 pounds; by the 100 pounds in 100-pound bags.	Peaches, dried, per bushel, 28 pounds.
Buckwheat, per bushel, 52 pounds.	Peanuts, green, per bushel, 22 pounds, Georgia or Virginia.
Carrots, per bushel, 50 pounds.	Peanuts, Spanish, per bushel, 24 pounds.
Charcoal, per bushel 22 pounds.	Peanuts, roasted, per bushel, 20 pounds.
Clover seed, per bushel, 60 pounds.	Pears, per bushel, 58 pounds.
Coal, anthracite, per bushel, 80 pounds.	Peas, dried, per bushel, 60 pounds.
Coke, per bushel, 40 pounds.	Peas, green, in pod, per bushel, 32 pounds.
Broomcorn seed, per bushel, 48 pounds.	Popcorn, in ear, per bushel, 70 pounds.
Corn meal, unbolted, per bushel, 48 pounds.	Popcorn, shelled, per bushel, 56 pounds.
Corn, in the ear, per bushel, 70 pounds, after December 1st.	Potatoes, Irish, per bushel, 60 pounds.
Corn, in the ear, per bushel, new crop, before December 1st, 72 pounds.	Potatoes, sweet, per bushel, 50 pounds.
Corn, kaffir, per bushel, 50 pounds.	Quinces, per bushel, 48 pounds.
Corn, shelled, per bushel, 56 pounds.	Rape seed, per bushel, 50 pounds.
Cotton seed, per bushel, 32 pounds, by the ton 2000 pounds.	Red top seed, per bushel, 14 pounds.
Cranberries, per bushel, 33 pounds.	Rough rice, per bushel, 45 pounds.
Cucumbers, per bushel, 48 pounds.	Rutabagas, per bushel, 50 pounds.
Flax seed, per bushel, 56 pounds.	Rye meal, per bushel, 50 pounds.
Gooseberries, per bushel, 40 pounds.	Rye, per bushel, 56 pounds.
Hair, plastering, unwashed, per bushel, 8 pounds.	Salt, coarse, per bushel, 55 pounds.
Hair, plastering, washed, per bushel, 4 pounds.	Salt, fine, per bushel, 50 pounds.
Hemp seed, per bushel, 44 pounds.	Shorts, per bushel, 20 pounds; by 100 pounds in 100 pound bags.
Hickory nuts, per bushel, 50 pounds.	Sorghum seed, per bushel, 50 pounds.
Hungarian grass seed, per bushel, 48 pounds.	Sudan Grass seed, No. 1, per bushel, 32 pounds.
Indian corn or maize, per bushel, 56 pounds.	Sudan Grass seed, No. 2, per bushel, 30 pounds.
Lime, unslacked, per barrel, 180 pounds net.	Sudan Grass seed, No. 3, per bushel 28 pounds.
Lime, hydrated, per sack, 100 pounds net.	Spinach, per bushel, 12 pounds.
Lime, hydrated, per bag, 40 pounds net.	Sweet clover seed, unhulled, per bushel, 33 pounds.
Lime, agricultural, per sack, 100 pounds net.	Timothy seed, per bushel, 45 pounds.
Lime, agricultural, per bag, 50 pounds net.	Tomatoes, per bushel, 56 pounds.
Mile Maize, per bushel, 50 pounds.	Turnips, per bushel, 55 pounds.
Millet, per bushel, 50 pounds.	Walnuts, per bushel, 50 pounds.
	Wheat, per bushel, 60 pounds.
	Whenever any commodity is sold in this State by the cord it shall mean

128 cubic feet, or the contents of a space eight feet long, four feet wide and four feet high. Whenever anything is sold in this State by the ton, it shall mean two thousand pounds avoirdupois.

Whenever any of the following named articles are sold by the cubic yard, and the same are weighed, the following weights shall govern:

Crushed stone, 2,500 pounds, 1 cubic yard.

Bank sand, 2,500 pounds, 1 cubic yard.

Torpedo sand, 3,000 pounds, 1 cubic yard.

Gravel, 3,000 pounds, 1 cubic yard.

Provided that the weights prescribed herein for flour shall not become effective until October 1, 1919, and shall not apply to retail merchants as to stock then on hand, and the weights prescribed for corn meal and feedstuff shall become effective immediately on the taking effect of this Act. Provided further that all sacks, containers and packages, prescribed by the National Bureau of Standards, under an Act now pending in Congress, known as H. R. No. 10957, should the same become the law, shall be recognized as official weights, packages, sacks or containers for flour, meal or feed under the terms and provisions of this Act; but all packages, sacks or containers shall in all instances contain the net weight of the article contained therein.

Sec. 6. Whenever it shall be ascertained that any article not mentioned in Section 5 is to be sold by the bushel, by the cubic yard or by the ton, the Governor of this State is hereby empowered to issue a proclamation prescribing the number of pounds that shall be contained in a bushel or other unit that is necessary in order to constitute a standard, and the Governor's proclamation defining a standard unit shall be as binding and shall have the same force and effect as if enacted into law.

Sec. 7. Whoever in buying any of the articles properly mentioned in Section 5 of this Act, or mentioned in the Governor's proclamation defining what constitutes a unit in conformity with the provisions of Section 5 and 6 of this Act, shall take any greater number of pounds thereof to the bushel, barrel or cubic yard, or

divisible merchantable quantity of bushel, barrel, cubic yard or lineal yard, or in selling any of said articles, shall give any less number of pounds thereof to the bushel barrel, cubic or lineal yard, or divisible merchantable quantity of a bushel, barrel, cubic or lineal yard than is allowed by this State, with intent to gain an advantage thereby, except where expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount of the property wrongfully taken, or not given and in addition thereto, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty dollars (\$20.00), nor more than Two Hundred Dollars (\$200.00).

Sec. 8. All articles of food stuff, feed or other commodity which are sold in packages shall in all instances contain the net weight of the produce or commodity other than drugs so sold in such packages or containers, and shall not include the weight of the package or container. No person shall sell or offer for sale food, feed or other commodity in package form unless the quantity of the contents be plainly and conspicuously marked on the outside of the package or container giving the weight, measure or numerical count of the contents thereof. Provided, however, that reasonable variations may be permitted and tolerated and exceptions allowed under such rules and regulations as may be made from time to time by the Commissioner of Markets and Warehouses. Anyone selling any article or commodity in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$25., nor more than Two Hundred Dollars (\$200.00), and each and every package so sold shall constitute a separate offense. An offense defined in this Section shall apply to all parties selling same within this State, and to parties outside of this State that sell merchandise in violation of this Act within this State. No penalty, fine, imprisonment or confiscation shall be enforced against any person for the violation of the provisions of this section as to stocks of goods now on hand, but shall apply to all new stocks purchased after the taking effect of this Act.

Sec. 9. The fact that there is now no law on the Statute books clearly defining what shall constitute a unit of weight or measure in this State, and the further fact that hundreds of thousands of dollars are annual lost by the six citizens of Texas by reason of such fact, and the further fact that there is now no law preventing any one from selling merchandise or any commodity in containers without giving the net weight of the produce in such container, creates an imperative public necessity that the constitutional rule requiring bill to be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 249, being a bill to be entitled "An Act to establish a standard of weights and measures in the State of Texas; to regulate weights and measures and weighing and measuring instruments and devices, and providing for the inspection and sealing thereof and attesting to the accuracy of same; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, merchandise, packages and amounts of commodities kept for sale or in the process of delivery; to prevent the sale of goods, wares, merchandise, agricultural or farm products, by false weights and measure; to provide penalties for the violations of this Act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the certification of any such standard of weights and measures when necessary to be introduced in a court of competent jurisdiction; providing for the appointment of officers to enforce and carry into effect the provisions of this Act; and providing that the Commissioner of Markets and Warehouses shall be ex-officio superintendent of weights and measures; providing for appointment of a chief deputy, with full power to

act as superintendent of weights and measures in case of the absence and inability of the State superintendent to discharge the duties of his office; defining the powers and duties of all officers appointed to carry out the provisions of this Act; and making an appropriation necessary to enforce the provisions of this Act."

Have have the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not in bill form.

SUITER, Chairman.

By Rosser et al. H. B. No. 249.

A BILL

To Be Entitled

An Act to establish a standard of weights and measures in the State of Texas; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof and attesting to the accuracy of same; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, merchandise, packages and amounts of commodities kept for sale or in the process of delivery; to prevent the sale of goods, wares, merchandise, agricultural or farm products by false weights and measures; to provide penalties for the violation of the provisions of this Act; for the admission in evidence of copies of the State's standard of weights and measures; providing for the certification of any such standard of weights and measures when necessary to be introduced in a court of competent jurisdiction; providing for the appointment of officers to enforce and carry into effect the provisions of this Act; providing that the Commissioner of Markets and Warehouses shall be ex-officio State superintendent of weights and measures; providing for the appointment of a chief deputy, with full power to act as superintendent of weights and measures in case of the absence or inability of the State superintendent to discharge the duties of his office; defining the powers and duties of all officers appointed to carry out the provi-

sions of this Act; and making an appropriation necessary to enforce the provisions of this Act.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Commissioner of Markets and Warehouses of Texas is hereby constituted and appointed ex-officio State Superintendent of Weights and Measures, with full power and authority under the terms of this Act to enforce or cause to be enforced all the provisions of this Act. Whenever and Wherever the term of "State Superintendent of Weights and Measures" or "Superintendent" is used in this Act, it shall mean the Commissioner of Markets and Warehouses for the State of Texas, who is ex-officio State Superintendent of Weights and Measures.

Sec. 2. The term of office of the State Superintendent of Weights and Measures shall be two years, and shall be the same as that of the Commissioner of Markets and Warehouses. In case of the death, resignation or removal of the Commissioner of Markets and Warehouses from office, the term of office of the State Superintendent of Weights and Measures shall automatically cease with that of the Commissioner of Markets and Warehouses. The Commissioner of Markets and Warehouses in his capacity as Superintendent of Weights and Measures shall receive no additional salary for services rendered as such. Before entering upon the duties of his office he shall execute a separate bond to that of Commissioner of Markets and Warehouses, in the sum of five thousand dollars (\$5000) payable to the Governor of Texas or his successor in office, conditioned upon the faithful performance of all the duties incumbent upon him as ex-officio State Superintendent of Weights and Measures.

Sec. 3. The State Superintendent shall appoint a chief deputy, who shall receive such salary as the Legislature may from time to time appropriate. In the absence of the Superintendent, or his inability to act from any cause, the chief deputy may perform all the duties required by law of the State Superintendent. The State Superintendent shall also appoint such additional deputies from time to time to serve as sealers of weights and measures as may be

provided for by appropriation. He may designate such inspectors, lecturers or employees serving under him as Commissioner of Markets and Warehouses also as sealers of weights and measures. The salaries of such deputies so appointed shall be fixed by the Legislature from time to time in the biennial appropriation bill; such deputies so appointed, together with the chief deputy and Commissioner, shall be entitled to their actual traveling expenses when traveling on business for the State. The Legislature shall provide from time to time by appropriation other estimated expenses to fully carry out the provisions of this Act.

Sec. 4. The standard of weights and measures received from the United States under a resolution of Congress, approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures, or renewals thereof, and such as shall be procured by the State in conformity therewith and certified by the Bureau of Standards, shall be the State's standards by which all State and municipal standard of weights and measures shall be tried, authenticated, proved and sealed.

Sec. 5. The standards referred to in the preceding section shall be kept by the State Superintendent in a safe and suitable place in his office, from which they shall not be removed except for repairs or certification. He shall maintain such standards in good order and shall submit them, at least once in ten years, to the National Bureau of Standards for certification. Upon demand the State Treasurer shall deliver to the State Superintendent all standards now under control and in his possession as ex-officio State sealer, of weights and measures. The State Superintendent, immediately upon receipt of such standards, shall submit them to the National Bureau of Standards for certification, and he shall replace such standards as are incorrect and purchase such additional standards as shall be necessary to complete and make up a complete standard of weights and measures as required by this Act. He shall also purchase such apparatus as shall be found necessary to a proper prosecution of the work of the office. The State Superintendent of Weights and Measures shall establish tolerances and specifications

for commercial weighing and measuring apparatus for use in the State of Texas, similar to the tolerances and specifications recommended by the National Bureau of Standards, and he may establish a standard net weight or net count of any commodity, product or article and prescribe such tolerances for same as he may in his best judgment deem necessary for the proper protection of the public. Any person violating such standards or tolerances shall be guilty of a misdemeanor and punished by a fine, or a fine and imprisonment, as hereinafter provided and set forth.

Sec. 6. The State Superintendent shall, at the request of any City Council, Town Council, City Commission or any other such legislative town or city body, furnish to them copies of the standard weights and measures of the State; such copies shall be furnished at the expense of any such city or town requesting the same. He shall, upon request of any such City Council, Town Council, or City Commission, test and accurately approve copies of the State's standards of weights and measures procured for the use of any such city or town, to be used by the sealer of weights and measures for such city or town. All copies furnished under the provisions of this section or copies tested and approved by the State Superintendent under the provisions of this section shall be true and correct; shall be sealed and certified by the State Superintendent and stamped with the letter "C." Such copies need not be of the same material or construction as the standards of the State, and such copies may be furnished in any suitable materials or construction that the city or town requiring the same may specify, subject, however, to the approval of the State Superintendent.

Sec. 7. The State Superintendent shall inspect and correct the standards used by any incorporated city or town in this State at least once every two years and compare the same with others in his possession, and keep a record of the state of inspection and character of weights and measures so compared. The State Superintendent shall also have general supervision over all weights and measures and weighing and measuring devices sold or offered for sale in this State. If any false weights or measures are being sold, offered for sale or about

to be sold, he shall have full authority to condemn same and prohibit the sale and distribution of such false weights and measures, or weighing and measuring devices in this State. All sealers of weights and measures, or deputy sealers of weights and measures appointed under the terms and provisions of this Act, and prohibited from using for the purpose of comparison of verification in any official capacity any weights or measures, unless same has been certified to by the State Superintendent. All expenses incurred in certifying to the correctness of the weights and measures or copies of the same used by and incorporated city or town in this State shall be paid by such city or town for whom the comparison or test is made. In addition to the standards heretofore referred to, and required to be kept by the State, the State shall also have a complete set of copies of such original standards of weights and measures adopted by this Act, which shall be used for adjusting municipal standards by the Superintendent or his deputy in the performance of their duties, and the original standards shall not be used, except for the adjustment of this set of copies and for certification purposes. Additional complete sets of copies for such additional standards of weights and measures may be purchased by the Superintendent when the same are necessary for use by any State sealer of weights and measures, or deputy State sealer of weights and measures. In all instances where the State shall furnish true and correct copies of weights and measures for the use of any incorporated city or town in this State, such city or town shall reimburse the State for the actual cost thereof, plus such expenses as are necessary to pay the freight, express and cost of certification thereof.

Sec. 8. The State Superintendent or his deputy shall at least once annually, or oftener, if requested so to do, by the board of control, or board of supervisors, regents or other governing body of any State institution or penitentiary commission or the governing body of any other penal institution of the state; test all scales, weights and measures used in checking the receipt and distribution of supplies of any such institution under the control of the State, and shall report his findings to the Chairman of

the Board, or the superintendent of such institution. He shall also test all scales, weights and measures used for any other purpose by such institution.

Sec. 9. The State Superintendent, if he finds that any sealer or deputy sealer of weights and measures appointed by any incorporated city or town in this state, by virtue of the authority given them under the law, or under the provisions of their charter, is neglecting to perform the duties of his office, or has refused to accept the recommendations and instructions of the State Superintendent and be guided thereby, or is guilty of any malfeasance in office, or who is incompetent, he shall present to the city council or officer who has control or supervision of such city sealer of weights and measures, or deputy sealer of weights and measures, a written charge and accusation based upon and clearly stating the offense of such sealer or deputy sealer and request such officer or city commission to hear and determine such accusation. Upon receipt of such charge and accusation, it shall be the duty of such officer or city commission with whom the same has been filed, to make an order setting the same for a hearing at a time which shall be not less than ten days nor more than twenty days from the date of filing of such charge and accusation and shall in such order fix the time and place for such hearing. A copy of such charge and accusation, together with a copy of such order, shall be served upon the accused at least seven days prior to the time fixed for such hearing. At such hearing the accused shall have the right to be represented by counsel, if he so desires, and to produce witnesses and documentary evidence in his defense. If, upon such hearing, he shall be found guilty of malfeasance, or misfeasance in office or adjudged to be incompetent to perform the duties of the office, the officer or city commission of city council before whom such hearing is had, must forthwith remove him from office. Such removal from office, however, shall not be a bar to a prosecution for violating any of the Penal statutes of this State. Whenever it shall become known to the State Superintendent of weights and measures or his deputy that any local sealer of weights and measures for any city or town in this

state, or deputy sealer of weights and measures, is guilty of accepting any bribe, gift or money from any one who is interested in procuring false weights and measures, as soon as such fact shall become known, or be made known to the officer or city commission employing such sealer or deputy sealer, he shall immediately suspend such sealer from office and not permit him to conduct the duties of his office any longer.

Sec. 10. Every local sealer of weights and measures, or deputy sealer, appointed by any city council or town council or city commission in this State shall be under the supervision of the State Superintendent, and shall be required to report to him regularly and carry out all the instructions of the State Superintendent of weights and measures. Failure or refusal to do so shall constitute a misdemeanor and shall be punished as hereinafter set forth, and shall likewise be grounds for dismissal from the service.

Sec. 11. It shall be the duty of the State Superintendent to investigate conditions throughout the State, and especially in all the cities and towns in the State, with respect to weights and measures, and the sale of goods, wares and merchandise, commodities, food stuff and feed stuff sold in packages or containers, and also all kinds of feed, fuel or ice that is sold by weight or measure. The State Superintendent shall annually report to the Governor, and shall, prior to each regular session of the Legislature file a copy of such reports made by him to the Governor, together with his recommendations, with the Legislature of the State.

Sec. 12. The State Superintendent shall issue instructions and make such rules and regulations for the government of all State sealers of weights and measures, deputy sealers, inspectors and local sealers, as he may in his judgment see proper, in order to carry out the purposes and intentions of this Act. All such rules and regulations so issued by him, or under his authority, shall be as binding and have the same force and effect as if they were enacted in law.

Sec. 13. The State Superintendent shall keep in his office a complete record of all acts done by him, of all inspections made throughout

the State, and a record of all prosecutions for the violation of the provisions of this Act. He shall keep an accurate record of the reports of all the various sealers of weights and measures, deputy sealers and inspectors appointed by him, or under his direction, as well as a record of the inspections of all local sealers of weights and measures appointed by the various cities of the State; such record shall always be open to the inspection of the public. Copies of such record may be had by application therefor, together with the necessary cost of making such copies.

Sec. 14. The jurisdiction of all State sealers, deputy sealers and inspectors by the State Superintendent shall be coextensive with the limits of the State and they shall have a right to inspect weights and measures in any and all districts or localities designated by the State Superintendent. The jurisdiction of all local sealers of weights and measures appointed by the city council or city commission of any city in this State shall be coextensive with the limits of said city.

Sec. 15. It shall be the duty of every sealer of weights and measures, deputy sealer, inspector, or local sealer to carefully preserve all copies of the standards of weights and measures used by him in his inspection work, and to keep the same safe and in good order, when not in actual use. He shall keep a record of all work done by him showing the inspection made, for whom made, giving the names and post office address of each party for whom any measurement, test weight, inspection condemnation or prosecution is made; such record shall be preserved by him from which he shall compile his reports at regular intervals to the State Superintendent when required to make a report. He shall keep a careful record of all violations of the weights and measure law and report in detail to the State Superintendent.

Sec. 16. Every person, firm or corporation, or association of persons, using or keeping for use, or having or offering for sale, weights, scales, beams or measures of any kind, instruments or mechanical devices for weighing or measuring, and tools, appliances and accessories connected with any or all of such instruments or measurements within

this state shall cause all such weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measuring and tools, appliances and accessories connected with any or all of such instruments or measures to be sealed and marked by the sealer of weights and measures as to their correctness, and no instrument shall be sold for the purpose of weighing or measuring unless such instrument, scale, weight, beam or measure shall bear the seal of the inspector of weights and measures as to its correctness.

Sec. 17. The State Superintendent shall have the right and power to fix and collect a nominal fee for testing all weights, scales, beams and any kind of instruments or mechanical devices for weighing or measuring; all tools, appliances and accessories connected with all such instruments before they are offered for sale; such fee, however, to be reasonable and to be graduated according to the cost of such instrument, and it shall be unlawful for anyone to sell any weights, scales, beams, measuring instruments or mechanical devices for weighing or measuring, or to lease or rent same, unless such instruments have been inspected, tested and approved by the State Superintendent, or one of his duly accredited deputies. All moneys collected by the Superintendent shall be paid into the general fund of the State Treasury.

Sec. 18. When any weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measuring; also all tools and appliances necessary or connected with any such instruments of measure have been tested and found correct by any sealer appointed under the provisions of this Act, the same may be used, kept for use, offered for sale, sold or kept for sale anywhere within this State for one year without being further tested. Any weight, scale, beam, measures of every kind, instrument or mechanical devices for weighing or measuring, or appliances and accessories connected with any or all of such instruments or measure, which have been tested and sealed and certified as correct by the National Bureau of Standards may be kept for sale, sold or offered for sale without being tested and sealed by a sealer under

the provisions of this Act, but all such weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing and measuring and all tools, appliances and accessories connected with any or all of such instruments or measures shall always be subject to inspection and testing as herein provided, notwithstanding that the same have been tested and sealed, either by a sealer appointed under the provisions of this Act, or by the National Bureau of Standards.

Sec. 19. Any scale, beam or mechanical device for weighing or measuring, which, after being sold, and before being used for weighing or measuring, it is found necessary to assemble and set up, may be sold, kept for sale or offered for sale without first being tested and sealed, as provided in this Act, but such scale, beam or measuring devices for weighing or measuring, before being used for weighing or measuring, without the consent of the State Superintendent, must be tested and sealed as provided in this Act.

Sec. 20. It shall be the duty of all sealers, deputy sealers, inspectors, and local sealers in this State to inspect, try and test all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measuring and all tools, appliances and accessories connected with any or all such instruments or measures kept for the purpose of sales, sold or used by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area, weight or measurement of quantities, things, produce, articles for distribution or consumption, purchased or offered or submitted by such person or persons for sale, hire, or award and ascertain if the same are correct, and he shall have the power to and shall from time to time weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contains the quantity or amount represented and whether they are being offered for sale or sold in accordance with law and may seize for use as evidence such amounts of commodities or packages which shall be found to contain a less amount than that rep-

resented. He shall at least once each year, or as much oftener as may be found necessary, and directed by the State Superintendent, see that the weights, measures and all weighing and measuring apparatus, used in any locality to which he is assigned for the purpose of inspection, are correct. All local sealers of weights and measures shall test at least once each week all scales, weights and measures of every kind and device within any such city to which they are appointed, and oftener if required so to do. Any sealer, or deputy sealer, or inspector for the purposes above mentioned, and in the general performance of his duty may, without warrant, enter, go into or upon any stand, place, building or premises, or stop any vendor, peddler, junk dealer, driver of a coal wagon, ice wagon or delivery wagon or the driver of any wagon containing commodities for sale or delivery, and if necessary require him to proceed to some place which the sealer may specify for the purpose of making the proper tests.

Sec. 21. Any sealer, deputy sealer, or inspector having a knowledge of a violation of any of the provisions of this Act, or any law relative to weights and measures, shall cause the violator to be prosecuted, when in his opinion such violation is wilfully committed.

Sec. 22. Whenever a sealer, deputy sealer, or inspector of weights and measures compares weights and measures, or weighing or measuring instruments and finds that they correspond, or cause them to correspond to the standards, or he shall seal or mark under his name such weight or measure or weighing or measuring instrument with an appropriate device showing that the weight or measure, or weighing or measuring instrument is correct, and the date of the inspection, which device shall be placed so as to be easily seen. He shall condemn and seize and may destroy incorrect weights and measures and weighing and measuring instruments, which in his best judgment are not susceptible of repair, but any weights and measures, or weighing or measuring instruments which shall be found to be incorrect, but which, in his best judgment are susceptible of repair, he shall cause to be marked with a tag or other suit-

able device with the words "Out of Order." The owner or user of any weights or measures, or weighing or measuring instruments, which have been marked "Out of Order," as in this section provided, may have the same repaired or corrected within thirty days, but until the same have been repaired or corrected and tested as herein provided, the owner or user thereof must neither use nor dispose of the same in any way, but shall hold the same at the disposal of the State Superintendent or any deputy or local sealer. When the same have been repaired or corrected, the owner or user thereof shall notify the State Superintendent or his deputy, or local sealer and they shall again be tested for the purpose of proving the weight, measure or weighing or measuring instrument, which had been found to be incorrect and marked as in this section, and until such weight, measure or weighing or measuring instrument has been re-inspected by the sealer and found correct, the same shall not be used or in any way disposed of by the owner. Any person who removes or obliterates any tag or device placed upon any weight or measure, or weighing or measuring instrument by any sealer, deputy sealer, or inspector, provided for in this Act, shall be guilty of a misdemeanor. When any weight, measure or weighing or measuring instrument has been repaired and corrected, as in this Act provided, and has been re-inspected and found correct by the sealer of weights and measures, as in this Act provided, the sealer of weights and measures shall remove the tag or device with the words "Out of Order" and shall mark such weight, measure or weighing or measuring instrument in the manner provided for the marking of the same whereupon inspection they were found to be correct.

Sec. 23. Any person, who, by himself, or his employee, or agent, or as the employee or agent of another, shall use, in the buying or selling of any commodity, or retain in his possession a false weight or measure, or weighing or measuring instrument or shall offer or expose for sale, or sell, except as hereinbefore specifically allowed in this Act, or use or retain in his possession any weight or measure or weighing or measuring instrument which has not been sealed by

a sealer within one year, or who shall dispose of any condemned weight or measure, or weighing or measuring instrument contrary to law, or any person, who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale, or use or have in his possession for the purpose of selling or using, any device or instrument to be used to, or calculated to falsify, any weight or measure, and any person, who, by himself, or his employee, or agent, or as the employee or agent of another, shall sell or offer or expose for sale, any commodity, produce, article or thing in a less quantity than the true net weight, or true net measure thereof, or in a less quantity than he represents it to be or contain, shall be guilty of a misdemeanor. Possession of such false weights or measures or weighing or measuring instruments shall be prima facie evidence of the fact that they were intended to be used in violation of law.

Sec. 24. The State Superintendent, his deputy, sealers or inspectors and all local sealers and their deputies in the performance of their official duties, shall have the same power as peace officers in this State.

Sec. 25. Any person who shall hinder or obstruct in any way the State Superintendent, or his deputy, inspectors, sealer or local sealer in the performance of their duties shall be guilty of a misdemeanor.

Sec. 26. Any person neglecting or refusing to exhibit any weight, measure, or weighing or measuring instrument of any kind, or appliances and accessories connected with any or all of such instruments or measures which are in his possession or under his control, to the State Superintendent, his deputy, inspector or to any local inspector or local sealer, for the purpose of allowing the same to be inspected and examined, as provided for in this Act, shall be guilty of a misdemeanor.

Sec. 27. Any person, who, by himself, or his employee, agent, or as the proprietor or manager, shall refuse to exhibit any article commodity, produce or anything being sold or offered for sale at a given weight or quantity, or ordinarily so sold, to the State Superintendent, or to his deputy or to a sealer or his deputy, or to an inspector or local

sealer for the purpose of allowing same to be tested and proved as to quantity contained therein, as provided for in this Act, shall be guilty of a misdemeanor.

Sec. 28. Any sealer, deputy sealer, inspector or local sealer appointed under the provisions of this Act, or discharging any of the duties of a sealer of weights and measures in this State, who shall seal any weight, measure, balance or apparatus before testing and making the same conform with the standards of the State or who shall condemn any weight, measure, balance or apparatus without first testing the same, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Twenty-five (\$25.00) Dollars, nor more Than Two Hundred (\$200) Dollars, and shall be immediately suspended from office.

Sec. 29. Any one violating any of the provisions of this Act, wherein the same has been denominated as a misdemeanor, upon conviction, shall be fined not less than Ten (\$10) Dollars, or more than Two Hundred (\$200) Dollars, and every day such misdemeanor is committed, shall constitute a separate offense.

Sec. 30. The word "person," whenever used in this Act, shall be deemed to include person, firm or corporation and all officers, directors and managers of corporations shall comply with the provisions of this Act on behalf of their respective corporations. The penal provisions of this Act shall apply to the executive head, manager, agent, trustee or receiver of any corporation doing business in this State.

Sec. 21. For the purpose of carrying out the provisions of this Act, and establishing the necessary inspection, the sum of Twenty Thousand (\$20,000) Dollars is hereby appropriated out of any moneys not heretofore appropriated in the State Treasury.

Committee Amendment.

Amend House Bill No. 249, Section 1, by adding after the words "Section 1," on page 1, the following:

Legal Standard—The standard of weights and measures adopted and used by the Government of the United States is hereby declared the legal standard of weights and measures of this State; provided, that as

to commodities for which the Congress of the United States provided no standard of weights or measures the standard adopted by this State shall be the standard of weight or measures for such commodities.

Adopted March 8, 1919.

T. B. REESE,
Chief Clerk, House of Representatives.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom referred

H. B. No. 248, being a bill to be entitled, "An Act to define what constitutes a public weigher; prescribing his duties and providing for rules and regulations governing the performance of his duties; providing for the appointment, by the Governor, of public weighers in certain places, and providing for the appointment and election of public weighers throughout the State; prescribing the bond to be given and the amount thereof; providing penalties for the violation of this Act; and prohibiting the shipment of goods, wares and merchandise, agriculture and farm products, at false weights; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass; and that it be printed in the Journal, and not in bill form.

SUITER, Chairman.

By Rosser, et al. H. B. No. 248.

A BILL

To Be Entitled

An Act to define what constitutes a public weigher; prescribing his duties and providing for rules and regulations governing the performance of his duties; providing for the appointment, by the Governor, of public weighers in certain places, and providing for the appointment and election of public weighers throughout the State; prescribing the bond to be given and the amount thereof; providing penalties for the violation of this Act, and prohibiting anyone from engaging in the business of public weighing, unless he shall comply with the terms of this Act; prohibiting the shipment of

goods, wares and merchandise, agriculture and farm products, at false weights and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All persons, firms, corporations, co-partnerships, or individuals, engaged in the business of public weighing for hire, or any person, firm or corporation who shall weigh or measure any commodity, produce or article, and issue therefor a weight certificate or weight sheet, which shall be accepted as the accurate weight upon which the purchase or sale of such commodity, produce, or article is based, shall be known as a public weigher, and shall comply with the terms and provisions of this Act.

Sec. 2. Within sixty days after the taking effect of this Act, it shall be the duty of the Commissioners' Court of the various counties of Texas to appoint one public weigher for each justice precinct within each county in this State, when in their judgment it is necessary, and when no public weigher has previously been elected, who shall give a bond, payable to the State of Texas, in the penal sum of Twenty-five Hundred Dollars (\$2500), conditioned that he shall weigh or measure accurately thereafter, any commodity, article or quantity of produce tendered to him for weighing, as a public weigher in this State; that he will comply with the terms of law governing public weighers; that he will not permit anyone to molest, mutilate, or destroy, any article, produce, or commodity, while in his possession. Such bond shall be good for the term of two years from the date given, and shall be subject to the approval of the Commissioners' Court of the County in which such public weigher resides. After such bond is filed, approved and recorded, as provided by law, the County Clerk shall immediately certify such appointment, or election, to the Commissioner of Markets and Warehouses of Texas. Such bond shall not be void upon first recovery, but may be sued upon successively by any and all parties who are injured by reason of any false weight, or measure, or any wilful destruction or mutilation of such article, produce or commodity while in his possession, or

false certificate given by such public weigher.

Sec. 3. Such public weigher, so appointed by the Commissioners' Court, or elected, shall have the right, and it shall be his duty to appoint a sufficient number of deputies in each precinct, to weigh all produce tendered for the purpose of weighing, at any and all points within such precinct. He shall require each of said deputies to file a bond in the penal sum of One Thousand (\$1000.) Dollars, under the same terms and conditions as the bond which he filed with the Commissioners' Court of the County in which he resides, before he shall be permitted to engage in the business of deputy public weigher; such bond, so filed, shall be payable to the State of Texas, and shall be subject to the approval of the Commissioners' Court of the County in which he resides, and certified to the Commissioner of Markets and Warehouses, before such deputy public weigher shall be entitled to engage in the business of public weighing.

Sec. 4. In all cases where a public weigher has been elected or appointed, under the present law governing public weighers, he shall be permitted to continue in office, but shall be required to file a bond within sixty days after the taking effect of this Act, with the Commissioners' Court of the County in which he resides, which bond shall be of the same terms and conditions as outlined in Section 2 of this Act. It shall be his duty, as soon as such bond is filed and approved, and his certificate of authority issued by the Commissioner of Markets and Warehouses, to appoint a sufficient number of deputies to weigh all produce tendered to him for weighing in the precinct for which he was elected or appointed; each of such deputies shall give a bond, as prescribed in Section 2 of this Act.

Sec. 5. In all cities and towns in this State, which receive as much as fifty thousand bales of cotton, twenty-five thousand tons of cotton seed; one hundred thousand bushels of grain or rice, or one hundred thousand pounds of wool; five thousand barrels of sugar or any other commodity in large quantities, it shall be lawful for the Governor to appoint a sufficient number of public weighers for such city, town

or shipping point to carefully and accurately weigh all produce tendered for the purpose of weighing for shipment; such appointments shall be made by the Governor, on the recommendation of the Senator from whose senatorial district such appointment is made, together with a majority of the representatives in the legislature from such senatorial district. No man shall be appointed unless he shall receive the endorsement of a majority of the representatives, and the senator, from such district. Every public weigher so appointed shall file a bond payable to the State of Texas, in the sum of Five Thousand (\$5000) Dollars, conditioned that he will accurately weigh, or measure, all produce tendered to him for weighing or measuring, and that all certificates of weights issued by him shall represent the true and accurate weight of such produce so weighed, and otherwise complying with the terms and conditions of the bond, as outlined in Section 2 of this Act; such bond, so given, shall not be void upon first recovery, but may be sued on successively by any and all persons who are injured by such public weigher. Such public weigher shall have the right to appoint a sufficient number of deputies to aid him in weighing, or measuring, any commodity that is tendered to him for weighing. All bonds given by such public weighers or their deputies shall be subject to approval of the Commissioner of Markets and Warehouses.

Sec. 6. No person shall be appointed or elected a public weigher in this State, unless he shall be at least twenty-one years of age, and is of good moral character and unquestioned integrity. He shall have a fair education and be able to keep an accurate set of books as required by this Act. He shall, before entering upon the duties of his office, take the constitutional oath of office prescribed for all officers in this State, which oath of office shall be filed with the Commissioners' Court of the County in which he resides.

Sec. 7. All public weighers, or deputy public weighers, appointed or elected, under the terms and provisions of this Act, shall file their bonds as required herein, with the Commissioners' Court of the County in which they reside, and shall obtain from the Commissioner of Markets and Warehouses a certificate of authority

to carry on the business of public weigher or deputy public weigher, within the city, village, place or shipping point, for which he was elected or appointed, and no one shall be allowed to pursue the business of weighing for the public, or grant a certificate or weight sheet upon which a purchase or sale is made, unless he shall comply with the terms and conditions of this Act.

Sec. 8. The Commissioner of Markets and Warehouses shall prescribe the form of weight certificate to be used by all public weighers in this State, which certificate shall be known as a State Certificate of Weights and Measures; such certificate shall state thereon the kind of produce; the number of the same, the date of the receipt of the produce, the owner, agent or consignee, the total weight of the produce, the vessel, railroad, or other means by which the produce was received, and any trade or other mark thereon; and such other information as may be necessary to distinguish or identify the produce from a like kind. No certificate other than the one herein prescribed shall be used by any public weigher in this State, and such certificate, when so made and properly signed, shall be prima facie evidence of such weight.

Sec. 9. It shall be the duty of every public weigher in this State, to provide himself with a seal, consisting of a star of five points, and shall have inscribed on the outer margin thereof, the words, "Public Weigher," Precinct No. _____, _____ County, Texas;" which seal shall be impressed upon each weight certificate issued by such public weigher, or deputy public weigher, or any and all weight sheets made out by them. The Commissioner of Markets and Warehouses of Texas, shall prescribe rules and regulations for government of public weighers throughout the State, which rules and regulations shall be uniform and shall be of the same force and effect when promulgated as if they were enacted into law. Such rules and regulations shall be observed by all public weighers or deputy public weighers.

Sec. 10. All public weighers, within this State, shall keep and preserve a correct and accurate record of all weights made by them, as provided in this Act, which record shall be open for the inspection of the Com-

missioner of Markets and Warehouses, his deputies or inspectors, at any and all times, and to the public. Such record shall be uniform throughout the State, and the form of such record shall be prescribed by the Commissioner of Markets and Warehouses.

Sec. 11. All certificates of weights and measures or weight sheets as provided for in this Act shall contain the accurate and correct weight of any and all commodities weighed when issued by public weighers. Any public weigher, or deputy public weigher, who shall issue any certificate of weights and measures or weight sheet giving false weights or measures of any article, or commodity weighed or measured by him, or his representative or deputy, to any person, firm or corporation, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine or not less than Twenty-five (\$25) Dollars, nor more than Two Hundred and Fifty (\$250) Dollars, and may be imprisoned in the county jail for a term of not less than thirty days nor more than six months, and in addition thereto, he shall be suspended from office, and not permitted to continue the business of public weighing any longer.

Sec. 12. Any person, firm or corporation who shall request a public weigher, deputy public weigher or any person employed by him, or pay to him any money, or give him anything to weigh any produce, commodity or article, falsely or incorrectly, or who shall request a false or incorrect certificate of weights measures, or weight sheet, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-five (\$25.00) Dollars, not more than Two Hundred and Fifty (\$250.00) Dollars, and in addition thereto may be imprisoned in the county jail for a term of not less than thirty days, nor more than six months, at the option of the jury trying him.

Sec. 13. Any person, firm, or corporation, or agent or representative of such corporation, who shall engage in the business of weighing for the public, or shall grant or issue a certificate or weight sheet, upon which a purchase or sale is made, without complying with the terms of this Act, shall be guilty of a misdemeanor, and shall be fined

in any sum not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, and each and every certificate so granted by him, or weight sheet issued by him, shall constitute a separate offense.

Sec. 14. It shall be unlawful for any person, firm or corporation association of persons, or partnership, to ship to anyone in this State any commodity, produce or thing, on which the weight is necessary to be given, at any other than the true weight of such commodity. Anyone who shall ship any commodity at other than the true weight properly certified to, shall be guilty of a misdemeanor, and may be fined in any sum not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, and may be imprisoned in the county jail for any term not more than twelve months, or both such fine and imprisonment, at the option of the jury trying him.

Sec. 15. It shall be the duty of the Commissioner of Markets and Warehouses to issue a certificate of authority to all persons engaged in the business of weighing for the public; to carefully and accurately test all scales, weights, beams and measures, used by such public weighers at least once every twelve months, and to charge such public weigher a fee of Five (\$5.00) Dollars for such inspection, which fee shall be paid by the Commissioner of Markets and Warehouses into the State Treasury; such inspection fee to be collected at the time the Certificate of Authority is issued to any public weigher or deputy public weigher in this State, and such fee shall be collected annually thereafter from all persons engaged in the business of public weigher or deputy public weigher.

Sec. 16. When any doubt or difference arises as to the correctness of the net or gross weight of any amount, commodity, or a part of a commodity, produce or article, for which a certificate of weight or measure has been issued, as provided in this State, by the public weigher, the owner, agent, or consignee, may, upon complaint to the Commissioner of Markets and Warehouses, have said amount, or part of any commodity, produce or article, re-weighed by the Commissioner of Markets and Warehouses, or his deputy, or by a public weigher design-

nated by the Commissioner of Markets and Warehouses, by depositing with the Commissioner of Markets and Warehouses a sufficient sum of money to defray the cost of re-weighing such article or commodity. If, on re-weighing, if it is discovered that fraud or carelessness, or faulty weighing apparatus was the cause of a discrepancy in weights, the cost of re-weighing shall, in all instances, be borne by the public weigher who issued the weight sheet or weight certificate.

Sec. 17. Whenever any public weigher, or deputy public weigher appointed or elected under the terms and provisions of this Act, shall be guilty of malfeasance or misfeasance in office, or who is grossly incompetent in the performance of his duties, he shall be subject to suspension or dismissal from office by the Commissioners' Court of the County in which he resides, or by the Governor of Texas, should he be appointed by the Governor. In all cases it shall be the duty of the Commissioner of Markets and Warehouses, to file with the Commissioners' Court or the Governor, as the case may be, the specific charges alleging the malfeasance, misfeasance, dishonesty or incompetency or other cause. Such case may be set down for hearing not less than ten days, nor more than thirty days from the filing of such charges. The person so accused shall be furnished a copy of such charges and be notified of the date set down for hearing of his case. He shall also have the right to be represented by an attorney, to introduce evidence in his own behalf, and to have issued a compulsory process compelling the attendance of witnesses and production of record. Should he be found guilty, it shall be the duty of the Commissioners' Court, or Governor, to immediately discharge him as public weigher, or deputy public weigher, provided, however, he may have the right to appeal to the District Court of his county or to the District Court of Travis County, Texas.

Sec. 18. All amounts, lots, or shipments, or consignments of produce after having been weighed, shall be piled or stored separately as nearly as can be, in order that amounts, lots, shipments, or consignments, may be distinguished from the other lots, shipments, or consignments of like kind, and it shall

be the duty of all public weighers in weighing any commodity, produce, or article, to immediately tag or mark such commodity, produce or article that has been weighed by him, so as to distinguish same from that which has not been weighed.

Sec. 19. All laws and part of laws in conflict with this Act are hereby repealed.

Sec. 20. The fact that there is now no adequate law governing public weighers in this State, and the further fact that, a great amount of fraud is known to exist in the weighing and measuring of produce in this State, by parties who are under no bond and responsible to no authority that would prevent them from committing fraud, creates an imperative public necessity that the constitutional rule, requiring bills to be read upon three several days be suspended, and this Act to take effect from and after its passage, and it is so enacted.

Committee Room.

March 10, 1919.

Hon. W. A. Johnson, President of the Senate

Sir: We, your Committee on Military Affairs to whom was referred

H. B. No. 5, beg leave to report that we have had same under consideration and beg to report the same back to the Senate with the recommendation that it do pass. We also recommend that it be printed in the Journal only.

Respectfully,
WITT, Chairman.

By Canales

H. B. No. 5.

A BILL

To Be Entitled

An Act to amend Title 116, the Revised Civil Statutes of the States of Texas including Articles 6754, 6755, 6756, 6757, 6758, 6759, 6760, 6761, 6762, 6763, 6764, 6765, 6766 be amended and Article 6767 added thereto, said Act providing for the organization of a ranger force for the protecting of the frontier against marauders or thieving parties; for the suppression of lawlessness and crime throughout the State; to prescribe the duties and powers of members of such force; to regulate their compensation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Title 116 the Revised

Civil Statutes of Texas including Articles 6754, 6755, 6756, 6757, 6758, 6759, 6760, 6761, 6762, 6763, 6764, 6765, 6766 be amended and Article 6767 be added thereto so that they will hereafter read as follows:

Article 6754. The ranger force authorized to be organized by the Governor is for the purpose of protecting the frontier against marauding or thieving parties, and for the suppression of lawlessness and crime throughout the State, and to aid in the enforcement of the laws of the State.

Article 6755. The ranger force shall consist of not to exceed one headquarters company and four companies of mounted men, except in cases of emergency, when the Governor shall have authority to increase the force to meet extraordinary conditions.

The headquarters company shall consist of one captain, who shall be designated the senior captain of the force, one sergeant, and not to exceed four privates.

Each separate mounted company shall consist of not to exceed one captain, one sergeant and fifteen privates. The captains and the quartermaster shall be appointed by the Governor and shall be removed at his pleasure; unless so removed by the Governor they shall serve for two years and until their successors are appointed and qualified.

The enlisted men and non-commissioned officers of each company shall be appointed by the Governor, acting by and through the Adjutant General, who shall pass upon the qualifications of such men, and so far as practicable shall make such appointment upon the recommendation of the captain, under whom such men are to serve. The enlisted men and non-commissioned officers shall serve for two years; unless sooner removed by the Governor or the Adjutant General for cause.

Article 6756. The pay of officers and men shall be as follows: Captains \$150.00 each per month; sergeants \$100.00 each per month and privates \$90.00 each per month, except as herein otherwise provided. The payment shall be made monthly at such times and in such manner as the Adjutant General of the State may prescribe.

The officers and enlisted men on the ranger force shall receive in addi-

tion to their regular salary an increase of five per cent after the first two years of continuous service and five per cent for each additional year not to exceed in all twenty per cent of their salary as above provided. For the violation or breach of such rules and regulations for the governing of the ranger force as may be prescribed by the Adjutant General and approved by the Governor, officers and enlisted men shall forfeit their right to participate in the increase or longevity pay, or any portion thereof provided for herein.

Article 6757. The Governor shall appoint a quartermaster for the ranger force, who shall discharge the duties of a quartermaster, commissary and paymaster, and shall have the rank and pay of a captain.

Article 6758. This force shall always be under the command of the Governor; to be operated under his direction in such manner, in such detachments, and in such localities as the Governor may direct, acting by and through the Adjutant General.

Article 6759. The Governor is authorized to keep this force, or so much thereof as he may deem necessary in the field as long as in his judgment there may be necessity for such a force; and men who may be enlisted in such service shall do so for such term not to exceed two years subject to disbandment in whole or in part at any time and reassemblage or reorganization of the whole force, or such portion thereof as may be deemed necessary by order of the Governor.

Article 6760. The quartermaster when directed by the Adjutant General shall purchase all supplies for the ranger force, and shall make a certificate on the voucher of the party or parties from whom the supplies are purchased to the fact that the account is correct and just, and the articles purchased were at the lowest market prices.

Article 6761. Members to furnish equipment, etc. Each officer, non-commissioned officer and private of said force shall furnish himself with a suitable horse, horse equipment, clothing, etc.; provided, that if his horse is killed in action it shall be paid for by the State at a fair market value at the time when killed.

Article 6762. Arms and Equipment. The State shall furnish each member of said force with one improved

carbine and pistol at cost, the price of which shall be deducted from the first money due such officer or man, and shall furnish said force with rations of subsistence, camp equipage and ammunition for the officers and men, and also forage for horses.

Article 6763. In addition to the pay allowed to each officer and man of this force, they shall be allowed not to exceed \$30.00 per month for subsistence when at their station, and when on duty outside of his district each member of said force shall be allowed his actual necessary expenses for subsistence and quarters, to be paid on a sworn account showing the actual amount expended, not to exceed \$3.00 per day. In addition thereto each member shall be allowed his actual railroad expense when traveling under orders.

Provided further, that when any company of said force furnishes motor transportation without expense to the State, they shall be allowed \$50.00 per month per company for repairs and upkeep for said motor vehicle.

Article 6764. Clothed With Powers of Peace Officers. The officers, non-commissioned officers and privates of this force shall be clothed with all the powers of peace officers, and shall aid the regular civil authorities in the execution of the laws. They shall have authority to make arrests, and to execute process in criminal cases, and in such cases they shall be governed by law regulating and defining the powers and duties of sheriffs when in discharge of similar duties; except that they shall have the power and shall be authorized to make arrests and to execute all process in criminal cases in any county in the State. They shall, before entering on the discharge of these duties, take an oath before some authority legally authorized to administer the same, that each of them will faithfully perform his duties in accordance with law. In order to arrest and bring to justice men who have banded together for the purpose of committing robbery, or other felonies, and to prevent the execution of the laws, the officers, non-commissioned officers and privates of said force may accept the services of such citizens as shall volunteer to aid them; but while so engaged such citizens shall not receive pay from the State for such services.

Article 6765. When said force, or

any member or members thereof, shall arrest any person charged with the commission of a criminal offense, they shall forthwith convey said person to the county where he or they stand charged with the commission of an offense, and shall deliver him or them to the proper officer, taking his receipt therefor, and all necessary expenses thus incurred will be paid by the State.

Article 6766. The Governor and Adjutant General shall cause to be made such regulations for the government and control of the organization herein provided for, for the enlistment and employment of non-commissioned officers and privates as they may deem necessary, to the end that the force so provided for shall be as effective as possible; provided that when any complaint is made to the Adjutant General charging any ranger with misconduct or violation of the law, the Adjutant General will have the right to institute proceedings before any magistrate in the county where the offense is alleged to have been committed. Upon application of the Adjutant General said magistrate shall issue process for witnesses to appear and testify under oath, which testimony shall be reduced to writing by a stenographer and transmitted by the court to the Adjutant General, who shall take such action as the facts warrant. The cost of such proceedings including fee of \$3.00 of the magistrate and fifteen cents for each one hundred words of testimony so taken and transcribed shall be paid by the Comptroller of Public Accounts upon approval by the Adjutant General out of funds appropriated for enforcement of law.

Provided further, that it shall be the duty of any citizen who knows of any such misconduct or violation of the law on the part of any member of the ranger force to at once notify the Adjutant General in writing of misconduct, and it shall be the duty of the Adjutant General to at once conduct such examination and to take such action thereon as the facts make necessary, and he shall without delay submit all of such evidence and his actions thereon to the Governor for his approval or disapproval.

Article 6767. All officers and men selected under this Act shall be men of good moral character, shall furnish satisfactory evidence thereof,

sober, of sound judgment and shall conform to such qualifications as the Governor shall prescribe for appointment, and all applications for appointment to the ranger force shall be made to the Governor, who shall pass upon the qualifications of each applicant for a position on such force. Provided however, that no person shall be appointed to the ranger force who is not a citizen of the United States and of Texas, and preference shall always be given to discharged soldiers holding certificates of honorable discharge from the United States Army.

Sec. 2. The fact that there is now no sufficient law prescribing the duties, pay and qualifications of State Rangers creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 10, 1919.

Honorable W. A. Johnson, President of the Senate.

Sir: Your committee on civil jurisprudence, to whom was referred

S. B. No. 361, being a bill to be entitled "An Act to amend Section 9, of Chapter 5, of General Laws passed by the Thirty-second Legislature at its First Called Session, and Section 114, of Chapter 96, of General Laws of the State of Texas passed by the Thirty-second Legislature at its Regular Session, relating to teachers' certificates issued by State Normal Colleges, and declaring an emergency."

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do pass and be not printed in the bill form, and be printed only in the Journal.

DEAN, Chairman.

By Dean. S. B. No. 361

A BILL

To Be Entitled

An Act to amend Section 9, of Chapter 5, of General Laws passed by the Thirty-second Legislature at its First Called Session, and Section 114, of Chapter 96, of General Laws of the State of Texas, passed by the Thirty-second Legislature at its Regular Session, relating to teachers' certificates is-

sued by State Normal Colleges, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 9, of Chapter 5, of General Laws passed by the Thirty-second Legislature at its First Called Session be and the same is hereby amended so as to hereafter read as follows:

"The Board of Normal Regents shall have authority to prescribe conditions on which students may be admitted to the State Normal Colleges of Texas, to determine and define the grades of teachers' certificates to be issued students attending said schools, and to determine and define the conditions of issuance or diplomas to students. The Board of Regents shall also have authority to fix the term of validity of said certificates and diplomas and to determine by what authority said certificates and diplomas shall be signed."

Section 2. That so much of Section 114, of Chapter 96, of General Laws of the State of Texas, passed by the Thirty-second Legislature at its Regular Session, as affects certificates issued by Texas Normal Colleges be and the same is hereby repealed in so far as the same conflicts with Section 1 of this Act.

The crowded condition of the calendars of both Houses of the Legislature and the near approach of the end of the present session, and the importance of this legislation, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional rule that bills be read on three several days, and the same is hereby suspended, and this bill shall take effect and be in force from and after its passage, and it is so enacted.

Enrolling Committee Reports.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 344, copy of which is hereto attached, and find it correctly enrolled, and have this day at 9:45 o'clock a. m. presented the same to the Governor for his
SMITH, Chairman.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 78, and find it correctly enrolled, and have this day at 11:20 o'clock a. m., presented the same to the Governor for his approval.

SMITH. Chairman.

By Buchanan of Scurry. S. B. No. 78.

A BILL

To be entitled.

An Act to amend Article 1306 of Chapter 24, Title 25 of the Revised Civil Statutes of Texas of 1911 so as to remove the limitation of the right of common carrier pipe lines organized under said chapter and title to condemn only for pipe lines not exceeding eight inches in diameter; and to grant to every person, firm, corporation, limited partnership, joint stock association, or association of any kind whatsoever owning, operating, or managing any pipe line or any part of any pipe line within the State of Texas for the transportation of crude petroleum that is declared to be a common carrier by and is subject to the provisions of Chapter 30 of the General Laws passed by the Thirty-fifth Legislature approved February 20, 1917, the right and power of eminent domain in the exercise of which he, it, or they may enter upon and condemn the lands, rights of way, easements, and property of any person or corporation necessary for the construction, maintenance or operation of his, its, or their common carrier pipe lines, the manner and method of such condemnation and the assessment and payment of the damages therefor to be the same as is provided by law in the case of railroads; and to grant such other rights as are conferred by said Article 1306 as amended hereby upon corporations organized under said Chapter 24, declaring all pipe lines for the conveyance of Fuller's earth for the public, for hire, common carriers, and granting to the person, firm, corporation, limited partnership, joint stock association, or associations of any kind owning, operating, or managing such a pipe line, or lines, a like right of eminent domain as is granted crude

petroleum pipe lines; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1306 of Chapter 24, Title 25, of the Revised Civil Statutes of 1911 be and the same is hereby amended so as hereafter to be and read as follows:

Article 1306. Such corporation shall have the right and power to enter upon, condemn and appropriate the lands, rights of way, easements and property of any person or corporation, and shall have the right to lay its pipes and pipe lines across and under any public road, provided that no pipes or pipe lines shall be laid parallel with and on any public highway, closer than fifteen feet from the improved section thereof except with the approval and under the direction of the Commissioners Court of the county in which such public highway is located, or under any railroad, railroad right of way, street railroad, canal or stream in this State, and to lay its pipes and pipe lines across or along and under any street or alley in any incorporated city or town in this State, with the consent and under the direction of the board of aldermen or city council of such city or town. The manner and method of such condemnation shall be the same as is provided by law in the case of railroads; provided, that such pipes or pipe lines shall not pass through any cemetery, church or college, school house, residence, business or store house, or through or under any building in this State, except by the consent of the owner or owners thereof; and provided, further, that all such pipes and pipe lines, when same shall pass through or over the cultivated or improved lands of another, shall be well buried under ground at least twenty inches under the surface, and such surface shall be properly and promptly restored by such corporation unless otherwise consented to by the owners of such land; provided, further, that if such pipes or pipe lines shall be laid over or along any uncultivated or unimproved lands of another, and such lands shall thereafter become cultivated or improved, such pipes or pipe lines, shall be buried by said corporation as hereinbefore provided, within a reasonable time after notice of the owner of such lands, or his agent, to said corpora-

tion or any agent thereof; and provided, further, that whenever such pipes or pipe lines shall cross any public road or highway, railroad, street railroad, or street or alley, the said pipes and pipe lines shall be so buried and covered as not to interfere with the use and occupancy of such road, highway, street or alley by the public, or use and occupancy of such railroad or street railroad by the owner or owners thereof.

Sec. 2. That every person, firm, corporation, limited partnership, joint stock association, or association of any kind whatsoever owning, operating or managing any pipe line, or any part of any pipe line within the State of Texas for the transportation of crude petroleum that is declared to be a common carrier by and is subject to the provisions of Chapter 30 of the General Laws passed by the Thirty-fifth Legislature approved February 20, 1917, shall have the right and power of eminent domain, in the exercise of which he, it, or they may enter upon and condemn the lands, rights of way, easements and property of any person or corporation necessary for the construction, maintenance or operation of his, its, or their common carrier pipe line, the manner and method of such condemnation and the assessment and payment of the damages therefor to be the same as is provided by law in the case of railroads; and shall have the right to lay his, its or their pipes and pipe lines across and under any public road, provided that no pipes or pipe lines shall be laid parallel with and on any public highway, closer than fifteen feet from the improved section thereof except with the approval and under the direction of the commissioners court of the county in which such public highway is located, or under any railroad, railroad rights of way, street railroads, canal or stream in this State, and along and under any street or alley in any incorporated city or town in this State with the consent and under the direction of the board of aldermen or city council of such city or town, and such other rights in the matter of laying pipes and pipe lines as are conferred by Article 1306 of Chapter 24, Title 25 of the Revised Civil Statutes of Texas of 1911 as amended by this Act, upon corporations organized under said Chapter 24, subject, however, to the

conditions, limitations and restrictions therein stated.

Sec. 2a. That every person, firm, corporation, limited co-partnership, joint stock association or associations of any kind whatsoever owning, operating, or managing any pipe line, or any part of any pipe line within the State of Texas for the transportation of Fuller's earth for the public for hire, the same are hereby declared to be common carriers, and shall have the rights and power of eminent domain, and may condemn the necessary rights, rights of way and easements, under the same terms, and subject to the same conditions as are conferred by Sections 1 and 2 of this act, on like persons natural or otherwise, owning, operating or managing crude petroleum pipe line or lines.

Section 3. That all laws in conflict herewith be and the same are hereby repealed.

The fact that Chapter 30 of the General Laws of the Thirty-fifth Legislature imposed upon persons, firms, corporations, limited partnerships, joint stock associations, and other associations owning and operating pipe lines the duty and burden of being common carriers under certain conditions therein defined, without the corresponding right to condemn lands, rights of way and easements so as to make it possible for them to perform their common carrier duties, and the fact that such lack of power will seriously interfere with the construction and operation of pipe lines, the development of the State and the performance for the public of the common carrier duties defined and imposed in said Chapter 30 creates an emergency and imperative necessity that the constitutional rule requiring a bill to be read on three several days be suspended, and that this bill take effect from and after its passage, and it is so enacted.

FORTY-FIRST DAY.

Senate Chamber,

Austin, Texas, March 11, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names: